

The University of Chicago

THE TECHNIQUES OF POLITICAL
GRAFT IN THE UNITED STATES

A PART OF A DISSERTATION SUBMITTED TO
THE FACULTY OF THE DIVISION OF THE
SOCIAL SCIENCES IN CANDIDACY FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF POLITICAL SCIENCE

1934

By

VALDIMER ORLANDO KEY, JR.

Private Edition, Distributed by
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CHAPTER I

INTRODUCTION

In order that there may be no misunderstanding it should be made absolutely plain at the outset what it is proposed to do in this study. This series of essays was written to satisfy a curiosity about the details of the methods employed in graft situations in politics. This is, therefore, a study of the techniques or the methods of graft. It is not an analysis of bosses or machines. A city or state boss may or may not be a grafter. It is not a study of party organization. It is not a history of corruption in the United States. It is not limited to a description of graft in a single jurisdiction. It is not proposed to essay the task of gathering together all recorded instances of graft. The main purpose is to discover typical situations, to classify, and to describe with sufficient illustrative material to make the general analysis as lucid as possible.

1. The Theoretical Framework

It is well to make clear the theoretical framework on which the specific data are hung for a uniform interpretation will be more or less consistently followed throughout. The fundamental presupposition is that politics is concerned with social control or manipulation. Control is to be understood in a broad sense, including acts ranging from domination to co-operation.¹ Phrased more intelligibly, politics deals, among other things, with the

¹See G. E. G. Catlin, A Study of the Principles of Politics (New York: The Macmillan Co., 1930), chap. II.

ways and means of persuading individuals or groups to do or not to do certain things. As the scope of politics is now generally delimited this should be restricted to the methods of control or influence used in more or less direct connection with the definition and implementation of collective wishes through governmental action. That is to say, politics deals with the process of governing. This phenomenon in essence has but two aspects: the control or influencing of the behavior of the governed by governmental policies and actions and the reciprocal conditioning of governmental policies and actions by the attitudes, wishes, or action of the governed. The same interaction occurs in all types of group activity. In this bilateral process a wide variety of relatively distinct methods or techniques of control or manipulation are used. Some of these are used solely by the government. Others may be used only for the purpose of influencing the government. Some of the methods may be used in either aspect of the governing process.

The concept of the governor and the governed, the superior and the subordinate, should be examined a little more carefully. It has been said that the government attempts to control its citizens by various means and that pressures originate from below to influence the persons vested with political power. In a way this is only a partial representation of the governing process. When the governing agency evolves a policy of regulation or control of a public utility, for example, it does so at the behest of certain groups who would benefit by the adoption of such a policy. When a scheme of unemployment insurance is urged, there are proponents and opponents. These pressures and counter-pressures persist in varying degrees to influence the application of whatever policy is adopted. It may be said that for each pressure upon government, there is a counter-pressure. Thus, the governing agency is always

something of an umpire or a buffer and mediator between opposing interests. In the process of solution of these frictions various methods are utilized to influence or control either the governing agency or the opposing groups. Thus, the techniques of politics may be used in inter- or extra-group relationships. To be differentiated is the use of various political techniques to strengthen intra-group cohesion. Thus, a system of civic education is designed to inculcate loyalty to the United States, or to France, or to Germany. Or patronage may be judiciously distributed to maintain the lines of control within the inner core of the organization of the Republican Party. Obviously, a valid distinction may be made between the use of techniques of control and influence in inter- and intra-group relationships although it may be difficult in some situations to determine which type of relationship is involved.

Without attempting to make an exhaustive classification of the techniques of politics, a few of the more important may be listed for illustrative purposes. One of the great techniques of politics has been violence and threats of violence in various forms. Violence as an ultimate possibility underlies all domestic and international politics. This form of action is often classed as non-political, but any realistic view of social phenomena cannot fail to consider it as a method of inter-group adjustment of primary significance. With the multiplication of media for the circulation of ideas propaganda, "the management of collective attitudes by the manipulation of significant symbols," emerges as another primary political technique. Civic education, i. e., methods and devices for the creation, maintenance, and social transmission of civic loyalties, is a means of great importance in the preservation of domestic loyalties, existing allocations of power and property, and external antipathies. The methods of dem-

ocratic and representative government rest upon a consensus that the way to handle inter-group friction affecting the general welfare is to allow such issues to be settled by a counting of heads, either of the electors or of their representatives, after full and free discussion and debate. It appears that this type of political technique can prevail only when the most powerful combinations in a given society are satisfied that they will lose by this method nothing which they consider of fundamental significance.

Perhaps not co-ordinate with these techniques but very nearly so are the methods variously characterized as corruption or graft. Bribery for the purpose of influencing governmental action is one of these methods. Similar is the discriminatory or unfair formulation or administration of law for the purpose of securing the political support of individuals or groups. The distribution of material favors—places, contracts, property, services—from the resources of the state for the purpose of creating controls and loyalties is usually ranked in the same category. Although there are rather broad differences between these particular phases of corruption, certain common characteristics may be shown to exist.

2. The Matter in Hand

The object of the present study is to make a descriptive analysis of the techniques or methods of what is commonly called graft in politics. The techniques employed in various jurisdictions in the United States since about 1890 are the particular object of inquiry.² There is no intention of analyzing every case

²It is not to be inferred from the failure to present material of any consequence concerning graft in rural government and small cities that the political behavior in such jurisdictions has been on a uniformly higher level than that of the larger urban centers. Each time that a state agency has been created to audit and examine local accounts rather widespread irregularities have been revealed. In extenuation of the omission it should be con-

of graft, but it is believed that a sufficiently large number have been examined to give a fair sample of the techniques customarily employed during this period. For expository clarity types of graft will be illustrated by representative instances, but no particular importance is to be attached to these cases. Others could have been substituted without altering the general line of argument. It is readily admitted that many of the instances described occurred several years ago and may not be recurring frequently at this time, but this is a study of methods, not trends in techniques, and illustrative examples may legitimately be drawn from any period. It is, of course, not contended that graft is the normal practice in governmental activity.

In popular usage the term graft is used quite indiscriminately to cover a diverse array of practices, but for the matter in hand it will be necessary to define the term with a relatively high degree of precision. It is used here to designate certain types of behavior on the part of public officials or those exercising their power. It may be defined as the abuse of control over the power and resources of the government for the purpose of personal or party profit.³ This profit, of course, need not be pecuniary in nature. It may be in the form of power or control within the political organization or in the form of political support from various individuals outside the narrow confines of the political

sidered that the material on rural graft is poorly documented. It is to be found largely in the reports of grand juries and the unreported decisions of lower courts not conveniently accessible.

³R. C. Brooks, in his Corruption in American Politics and Life (New York: Dodd, Mead & Co., 1910), p. 46, defines corruption "as the intentional misperformance or neglect of a recognized duty, or the unwarranted exercise of power, with the motive of gaining some advantage more or less directly personal." Luther Gulick, in Current Problems in Public Finance (New York: Commerce Clearing House, 1933), p. 60, says: "Graft is the illegitimate use of power for private gain."

machine. The gain may accrue in varying degrees to the group as a whole or to individual officials or leaders. These abuses may be classified according to the nature of the favor or privilege bestowed. There may be an abuse in the appointment of personnel, the purchase of material or in other activities involving the control of public funds. The unwarranted action may involve the formulation of a rule of law or its administration resulting in the grant of a privilege considered unfair or discriminatory. The profit may come from an irregular exercise of power over one of the service functions of government. The nature of the concept of graft may become more apparent by a slightly more extended examination of these main classes.

To perform their primary functions all units of government must employ men, purchase materials, contract for services, collect and disburse funds, and engage in other similar activities which may be characterized as "proprietary"⁴ in nature. Abuses in the control of these activities are almost exclusively aimed toward the intensification of power relationships within the party organization. A great deal of power may come from the skillful distribution of jobs, contracts, bank deposits and other favors falling within this category. Or, abuses in these activities may result in increased campaign funds for the political organization, thereby contributing to its strength. There is a great deal of inefficiency in party management and frequently the personal advantage derived from abuses in these activities far outweighs the advantage to the party machine as a whole. In such matters as embezzlement the advantage, if any, may be entirely personal.⁵

⁴This usage of the term should not be confused with its application to a class of municipal functions by the courts.

⁵Most graft within business, ignoring its extra-mural

Graft in the proprietary activities of government involves the use of the instruments of the state—money and men—for private or party profit. In this way the power of the party machine is increased. But these activities of the government are merely means or instrumentalities employed by the government in the accomplishment of its ends. That is to say, the government is not created to collect taxes, employ men, purchase materials, but to pass legislation, administer law, provide services. What is to be understood by graft in these primary functions of government?

Usually included in legislation are the formulation of rules of behavior, the levying of taxes, the determination of the services which the government shall perform, and in general the declaration of broad public policies. In the exercise of these powers a quasi-judicial act is performed. There are competing groups or classes with presumably conflicting interests: labor against employers, the East against the West, the Catholics against the Protestants, the seashore against the hinterland, et cetera. The legislator acts as mediator weighing the competing forces and rendering judgment in the form of a rule looking to the future.

relationships, is comparable to graft in the proprietary activities of government. Many instances are of record where directors and managers of corporations have profited personally at the expense of their corporation and its stockholders by the sale of materials, land, or other property at outrageous prices to the concern which they controlled. Excessive salaries and bonuses, often secretly granted, may involve graft. The directors and officers of a corporation may load its payrolls with their incompetent sons, sons-in-law, friends, relatives. In fact, there is competent testimony to the effect that favoritism is more prevalent in private than in public personnel matters. Usually in business graft the object is somewhat different from graft in government, however. The "machine" controlling a corporation may profit by these practices, but business graft usually lacks one of the earmarks of graft in politics. When the management uses the funds and employees of the company to drum up proxies to secure the re-election of its slate of directors, however, as has been done, the pattern is a miniature of graft in governmental politics. See A. A. Berle and G. C. Means, The Modern Corporation and Private Property (New York: Commerce Clearing House, 1932); also, J. T. Flynn, Graft in Business (New York: Vanguard Press, 1931).

The ruler must be primarily a law-giver, a politician. He plays off one group against another, yields to the more powerful here, compromises a conflict of interest in one case, and invents an acceptable solution on new lines in another. Politics is thus always a process of log-rolling, stripping from the term its attachment to particular institutional procedures. The ruler manages to weld together from the conflicting parts of the citizenry a combination which is the most powerful in the politics of the state or other political unit. This must always be the case.⁶ Otherwise, the ruler would not be such for long. This may be set down as one of the axioms, one of the self-evident truths, of politics.⁷

⁶See the stimulating disquisition by Lincoln Steffens in The Struggle for Self-Government (New York: McClure, Phillips & Co., 1906), pp. v-xxiii, being a dedication of the volume "To His Majesty, Nicholas the Second, by the Grace of God, Emperor and Autocrat of All the Russias, Czar of Poland, Grand Duke of Finland, Etc., Etc."

⁷Under such a view of politics it seems that the vital differences between autocracies and democracies, aristocracies and oligarchies fade away. There are merely differences of degree in the relationships of governor and governed. In other respects there are merely structural and procedural differences. There are such differences as electoral frauds in democracies. Because no effort will be made in this study to survey the methods employed in electoral irregularities, a brief bibliography on the matter may be of value. See Citizens' Association of Chicago, Bulletin, No. 86, May 9, 1931, "How Chicago Elections Are Stolen"; M. C. Krueger, "Election Frauds in Philadelphia," National Municipal Review, XVIII (1929), 294-299; H. R. Waite, "Corruptible Elements in the Suffrage," International Review, XIV (1883), 14-30; F. J. Stimson, The Methods of Bribery and Its Prevention at Our National Elections (Cambridge: John Wilson & Son, 1889); J. J. McCook, "The Alarming Proportion of Venal Voters," Forum (1892) XIV, 1-13 and "Venal Voting: Methods and Remedies," Forum, XIV (1892), 159-177; J. W. Jenks, "Money in Practical Politics," Century, XLIV (1892), 940-952; A. Z. Blair, "Seventeen Hundred Rural Vote-Sellers," McClure's Magazine, XXXVIII (1911-12), 28-40; S. C. Stimson, "The Terre Haute Election Trial," National Municipal Review, V (1916), 38-46; A. C. Millsbaugh, "Bi-Partisanship and Vote Manipulation in Detroit," National Municipal Review, V (1916), 620-626; A. M. Holden, "Graft Prosecutions: 1914-1915," National Municipal Review, V, 583, on 1100 indictments against 800 voters in Pikeville, Kentucky; ibid., 580, on election frauds in Indianapolis; Anon., "Bossism in Delaware," Outlook, LXX (1902), 471-474; A. F. MacDonald, "Philadelphia's Political Machine in Action," National Municipal Review, XV (1926), 28-35; D. R.

In the administration of law the general rule is applied to the individual, conformance being compelled by the threat of or the actual application of a penal sanction of some sort. In this usage law is to be understood as a standard governing the behavior of the individual subject of law. Administration is to be taken as the application of the law to the individual case rather than in the sense of administration as management. Application of the general rule to individual cases gives ample opportunity to enforce to the letter against A and to allow B to violate the rule with impunity for a consideration of any one of several sorts, pecuniary, political or personal. Administrative acts through the police, the courts, or other administrative agencies characterized by graft, i. e., an abuse of power for personal or party profit, may be recognized without much difficulty. There may be graft in the personnel, financial, and matériel administration of these regulatory activities, but graft in the actual application of the general rule which it is intended to include in this category may be differentiated.

Bulking constantly larger in the activities of government are the so-called service functions in which control is not exerted by threat of a penal sanction but a direct service is rendered to the public at large or to various classes. Included in this

Castleman, "Louisville Election Frauds in Court and Out," National Municipal Review, XVI (1927), 761-769; D. M. Maynard, "Fraud and Error in Chicago Referendum Returns," National Municipal Review, XIX (1930), 164-167; A. H. Yount, "Chicago's Election Frauds," National Municipal Review, III (1914), 399-400; John Landesco, "Organized Crime in Chicago," Illinois Crime Survey (Chicago: Illinois Association for Criminal Justice, 1929), pp. 1015-1021, for an excellent classification of types of frauds; Robert Luce, Legislative Principles (Boston: Houghton Mifflin Co., 1930), pp. 414-415, on the electoral practices of George Washington. The primary sources are to be found mainly in the reports on contested elections by congressional and state legislative committees. Considerable material may be found in the reports of election cases decided by the various appellate courts.

category are commercial and quasi-commercial enterprises. The relationship between government and citizen is one of service and not of control by the application of sanctions. In the management of municipal markets, public hospitals, poor relief, or other similar functions, decisions may be made in individual instances involving abuses and discriminations calculated to enrich the officials in power or to strengthen the political organization which may be characterized as graft.⁸ Within the internal management of such functions there may be graft in personnel and other proprietary activities, but the abuses directly within the service relationship between government and citizen may be differentiated.

It is seen that the term graft as defined includes types of acts with significant variations, but with certain common elements running throughout. In each case the control of the power and resources of the state is abused for personal or party profit. Implied in this statement is the existence of relationships between the public official or the person exercising his power and other individuals.⁹ Thus, when an official is bribed there has to be somebody to give the bribe. When patronage is distributed there must be somebody to receive the jobs. The techniques of graft are the methods utilized in these relationships. In an analysis of the techniques of graft probably the most logical mode of procedure would be to organize the material around the methods employed in these relationships, such as bribery and extortion, but in order to give the institutional and procedural environment

⁸Logically another category might be added, viz., the fiduciary activities of government, such as in receiverships, where the objective is to assume control and management for the purpose of protecting the interests of all parties concerned although, of course, rules of law are applied.

⁹There may be graft without these relationships as when a treasurer absconds with funds in his custody.

peculiar to graft in police departments and legislatures, for example, it is deemed more appropriate to follow the classification of governmental acts according to their nature given in the preceding paragraphs.

In the first section the techniques of patronage distribution will be analyzed. The second second will be devoted to a consideration of the other proprietary activities of government with particular reference to their abuse for strengthening the party organization or enriching the particular individuals involved. The succeeding section will cover the typical abuses in the formulation and administration of law which involve the relationships of officialdom with outside groups or individuals. A brief consideration of abuses in the service functions of government will follow. Another section will cover the defensive techniques of a graft system, which are usually brought into play when enemies arise to challenge the supremacy of a power combination created by a utilization of the techniques of graft.

3. The Social Background

It would not be wise to plunge into the detailed analysis of graft situations and techniques without indicating some of the broad characteristics of the political, social, and economic bases for the flowering of the spoils system in the United States. An effort may be made to abstract from the broad flow of American history certain currents which perhaps had something to do with the type of political behavior under consideration. It is not contended that these tendencies were the causes of graft. Neither can it be denied that some of them appear to be contradictory, yet they appear to be some of the factors which should be considered in any interpretation of the aspect of American politics and administration under examination.

The stream of democratic and egalitarian ideology and practice, although it met with many vicissitudes, ran through the tangle of historical events unbroken from the time of the triumph of Jefferson. Often when democracy and equality possessed least reality, the doctrines of Jefferson and Jackson were most vociferously proclaimed by men in public place. This ideological force, re-enforced by material and social circumstances, laid the basis for various lines of action some of which bore unexpected fruit. The doctrine of political equality was not unconnected with the theory of rotation in office and the belief that became almost universal that practically any man could perform the duties of any public office. It followed from the ideal of equality that the highest degree of impartiality and fairness should prevail in the management of governmental affairs and that every citizen should have equal opportunity to participate in the bounties distributed by his government. This set an extraordinarily high standard of behavior for public officials. Actions which might pass unnoticed in a more highly stratified society were assailed as violating the accepted principles. The forms which democracy took in practice were closely connected with an irreverence for governmental authority. The transient holders of power could be displaced with a minimum of ceremony. Authority was not sacred; one does not worship what one may destroy. In justification of governmental forms and mechanisms not inappropriate for the immediate necessities various ramifications of democratic theory were developed. These agencies and procedures persisted to serve different ends. They continued to be upheld by the same doctrines. The words were the same, but the tongue that spoke them was different. Through an erroneous conception the theory that that government is best which governs least was connected with the prevailing democratic beliefs.

It is not contended that democracy was the cause of corruption and incompetence in government, but the theory and forms of a particular type of democracy came to be distorted under new conditions to defeat its original ends. The non-essential aspects of the democratic tradition came to be preserved at times at the expense of its essence. At any rate the heritage of governmental practices, mechanisms, and attitudes toward government left by the Jeffersonian and Jacksonian eras served well the necessities of the rising giants of finance, industry, transportation and trade after the Civil War. Probably politics always has as an ingredient of importance "the various and unequal distribution of property," as Madison said, but in the nineteenth century the magnitude of the wealth involved and the rapidity of the economic developments made the role of this factor unusually important and apparent. The business man, as the Beards have observed, rose to power after the Civil War, "unhampered by a powerful aristocracy, lay or clerical, attached to other manners and other ideals." From the time of the overthrow of the slaveocracy until the present the broad sweep of American politico-economics has had two main phases: the acquisition and consolidation of wealth and economic power and their retention against hostile attacks.

The first phase of this dual movement included the exploitation of natural resources, land, forests, minerals which were in large part initially owned by the government. The construction of railways, at times with the aid of land grants and other types of subsidies, and their subsequent consolidation into economic empires required no little action and inaction on the part of governmental bodies. The drive toward consolidation into trusts and combinations in many other lines of business was a parallel movement. The rapid growth of cities was generating fortunes in

the form of markets for public utility services. Franchises granted by pliant city councils and state legislatures were capitalized as rapidly as impatient prudence permitted. All these trends toward consolidation of wealth and economic power brought an increasing discrepancy between economic power and formal political power. But wealth itself was not soon united, and there were many politico-economic battles between the capitalists of the day. Unity tended to come with common opposition, and many of the same techniques were used in the politics of retention to stay the consequences of the gulf between economic power and formal political power that had been used to create it. The regulation of railroads, the restriction of the power of urban utilities, the taxation of incomes and inheritances, the control of trusts were policies of opposing groups which were fought bitterly and usually with lavish campaign contributions. The stringent application of law already on the statute books for the same purposes met with equally strenuous opposition frequently of the same character.¹⁰

Relevant to any interpretation of the politics of the period is the high degree of geographical mobility of the population which prevailed. This mobility took two principal forms. The westward movement has often been discoursed upon. Concurrently in motion was the great trek toward the cities. This territorial fluidity of the population undoubtedly had tremendous repercussions upon the workings of domestic politics. The effect of this factor has never been analyzed in much detail in the light of the more recent theories of politics, but apparently these types of mobility led to a relatively weak sense of the community,

¹⁰See Charles A. Beard and Mary R. Beard, The Rise of American Civilization (New York: The Macmillan Co., 1927); also, Matthew Josephson, The Robber Barons (New York: Harcourt, Brace & Co., 1934).

a lack of political stability, an opportunism, and a lack of tradition which facilitated the audacious operations of political adventurers.

The tide of foreign immigration supplemented this internal mobility, created new frontiers, and brought an amazing heterogeneity with its consequent political cross-currents and embarrassments. Immense blocs of votes came to be controlled, particularly in urban centers, through the methods of the political machine. These groups often had an intense nationalistic pride which was deftly used in political manipulations by skillful ward bosses who rarely traced their own pedigree to the Mayflower. Lacking in political sophistication and controlled to a considerable extent by circumstances not of their own making, these groups often unwittingly allied themselves with political forces hardly consistent with their own interests.

In addition to the economic and racial conflicts and frictions there were ideological and moral disputes not without effect upon the politics of the day. The system of Puritan values persisted in the law of the land only to come into conflict with differing value systems with large numbers of adherents in the population creating the problem of achieving some sort of impromptu accommodation through regular or irregular political procedures. Similarly in the economic field the standards of value were subject to fluctuation and furnished no firm basis for norms to be administered through governmental action. New forms of business organization, new industrial practices, new relationships of employer and employee, new discoveries in science, led to a constant destruction and revision of standards of value. Politics reflected this condition of confusion and government was susceptible to a multitude of forces and counter-forces which it could hardly

resist or temper. In periods of social disorder and disequilibrium it may be that drastic and irregular political methods are employed of necessity.

These appear to have been the principal forces of the time although there were many other currents. The principal object in this study is to make a more or less detailed analysis of various political methods and situations rather than to write a social or economic history, but these matters should be considered in forming opinions upon the political techniques described in the following pages. Some of these forces were somewhat mitigated by the turn of the century, but their influence on politics persists to the present.¹¹

¹¹See C. E. Merriam and H. F. Gosnell, The American Party System (New York: The Macmillan Co., 1929), chap. vii; also, C. E. Merriam, Chicago, A More Intimate View of Urban Politics (New York: The Macmillan Co., 1929).

CHAPTER IV

THE PATRONAGE PYRAMID

Essentially politics consists in persuading people to do what you want them to do. The power to separate a man from his job or to give him one, to promote him or to discipline him, obviously brings a strong influence over his behavior. Patronage admittedly is not an instrumentality for moving the masses, but with it one may control somebody who can do the trick. Its exercise is a political technique of relatively limited applicability as compared with propaganda, but tremendously effective within those limits. The power of patronage discussed here is to be differentiated from the control of a public employee by his administrative superior in the course of his ordinary duties. It involves control, often exercised from outside the formal governmental structure, for purposes usually not connected with the formal duties of the position and if so, perhaps for ends of dubious propriety. The aim of this chapter is to describe some of the more common situations in which this power is exerted.

1. Political Assessments

The power incident to the control of patronage, vested in bosses, administrative superiors, legislators, and party committee-men has served efficaciously in the extraction of campaign funds from public employees in almost every part of the United States. This practice is commonly referred to as "political assessment" but this phrase is obsolete; "voluntary contribution" is the expression always used in the profession. The practice sprang up

in the 1830's; by 1842 assessments were vigorously enforced in the New York Post Office and Custom House and the practice became quite general in the federal service by the time of Buchanan's administration.¹ Assessments upon party nominees for elective office have been common, but contributions from persons occupying administrative posts have probably bulked larger in the aggregate.²

The ultimate sanction for the enforcement of an assessment is the power to remove from office. An official's livelihood may depend upon whether he "contributes" a portion of his salary. The techniques for stimulating payment vary all the way from brutal extortion upon threat of removal to a mild suggestion by the appropriate persons to the administrative personnel that contributions will be appreciated. Excessive and crude demands may not bring in the maximum return and at the same time may cool the enthusiasm of the assessee in his services for the party. On the other hand, the collection of a judicious amount in a skillful fashion will bring in the necessary funds and furnish an overt expression of loyalty to the organization. This system, some persons believe, helps maintain discipline in the organization for without this "financial thankfulness" the employee may get the idea that "it is a God-given job, and nobody can touch him."³ One

¹D. B. Eaton, "Political Assessments," North American Review, CXXXV (1882), 205-206. See also Louise Overacker, Money in Elections (New York: The Macmillan Co., 1932), pp. 103-105, where most of the literature on assessments is cited.

²The outright sale of office is little different from an assessment on salaries. For an example, see New York Legislature, Senate, Report of a Special Committee Appointed to Investigate the Police Department of the City of New York, pp. 47-48 (1895).

³Testimony of James A. Walker of Philadelphia who said that he got his "start in politics" when Israel Durham was leader of the city and Boise Penrose the "commander of the state." Hearings before a Select Committee on Senatorial Campaign Expenditures, United States Senate, 71st Cong., 3d sess., pursuant to S. Res. 215. Pennsylvania, Pt. 3, p. 387 (1930-31).

should labor to create a general understanding that contributions are expected for the furtherance of the common cause and thereby avoid the necessity of a formal demand. It is not particularly difficult to create a sentiment of gratitude on the part of job-holders when they receive their places as an act of grace. If any one of the communications relative to assessments is in writing, it should always be expressly stated that the contribution is "voluntarily given."⁴

Eaton quotes newspaper accounts of crude and brutal methods of assessment employed in the 'seventies upon mail carriers in New York by one Hugh Gardner, a police justice and politician. The New York Tribune described the meeting of Gardner and the carriers:

Gardner, with his coat and shirt-sleeves rolled up, clerk with names of employees. . . . A carrier would ask if less would not be satisfactory, as he needed the money for his family. . . . The whole or nothing, and the whole was not long in forthcoming.

The Herald said:

Among the first victims was a one-armed carrier, who was wet and downcast. . . . money counted. "This is not enough," said Gardner, gruffly. "It is all I can spare." "Then you can keep your money." He planked down another greenback. . . . "I really can't afford to pay you now." . . . "I can't stop to talk with you," was the retort.

In some cases similar demands were very unwisely put in writing. A Philadelphia circular stated: "At the close of the campaign we shall place a list of those who have not paid in the hands of the head of the department you are in."⁵

⁴For example, see the form used in Mississippi stating, "I hereby contribute of my own free will and accord without promise of political favor or reward," in Hearings Before a Subcommittee of the Committee on Post Offices and Post Roads, United States Senate, 70th Cong., 2d sess., pursuant to S. Res. 193, 311 and 330, Pt. 2, p. 381 (1929).

⁵Eaton, op. cit., pp. 218-219. On later Tammany techniques, see J. F. Carr, "Campaign Funds and Campaign Scandals," The Outlook, LXXXI (1905), 553.

In the campaign of 1878 techniques which were slightly less crude were used in assessing federal office holders. To each civil officer receiving over \$1,000 a year a circular was sent on the letterhead of the Republican Congressional Committee calling "with confidence" for "such a contribution in money as you may feel willing to make, hoping that it may not be less than" a sum equal to 1 per cent of the annual salary. The employees were assured that there would be "no objection in any official quarter to such voluntary contribution." To follow this up, collectors were sent through the offices of some of the executive departments with subscription books, headed as a stimulus in some cases by the chief of the department. Receipts in the appropriate sums had been prepared in advance of the interview with each prospective contributor.

The response to these appeals was spontaneous and highly gratifying. Of the \$106,000 raised for the campaign of 1878 by the Republican Congressional Committee, \$93,000 came from federal office holders.⁶ The request for a mere 1 per cent of the annual salary in 1878 yielded three-fourths as much as the solicitation of 2 per cent in 1876 had brought in. The appeal to save the country from the Democrats was so effective that some of the "lady" employees, as a report phrased it, who had not been circularized were "quite indignant" because of this sex discrimination. Two or three of them came down to the committee offices, according to its secretary, "and said they had as good a right as anybody and would not be prevented from contributing their mite, and I said, 'Very well'; I was too polite, I hope, to try to oppose a

⁶Report of the Select Committee to Inquire into Alleged Frauds in the Late Elections, Sen. Rep. 427, 46th Cong., 2d sess. (1880). Copies of the letters to the employees are printed in the report of the committee.

lady's will in such a matter."⁷

A different technique was employed in the Jersey City post office in 1900. The assistant postmaster happened to be the president of the Republican committee of the county. A box placed before the time-keeper's desk contained a rabbit's foot, an official envelope with a ten-dollar bill sticking out, and other envelopes with names of carriers on them from whom contributions were desired. When asked the meaning of the symbolism, one of the carriers explained that the "rabbit's foot meant good luck, and those who paid \$10.00 would be in good luck." Vacation periods of the carriers were fixed by lot, but not in their presence, and it appeared that undesirable vacations uniformly went to non-contributors. This was characterized by Foulke as "a remarkable illustration of the direct interposition of Providence in favor of campaign contributors for Hudson County elections."⁸

A superior form of solicitation was employed in Pennsylvania in the campaign of 1930. The assistant chairman of the Republican State Committee described the method to a senate committee. Governor Pinchot, he said, was reluctant to secure funds from the state employees, but the campaign chest was empty in October and "it was necessary to get down to brass tacks and get the money." The Chairman of the State Committee issued a statement inviting the public to make contributions, giving the place to which checks should be mailed. Two weeks later the Governor gave a statement to the press saying that he was frequently asked by state employees whether he would

object if they were to make a contribution to the Repub-

⁷Ibid., p. 9.

⁸W. D. Foulke, Fighting the Spoilsman (New York: G. P. Putnam's Sons, 1919), pp. 141-142.

lican State Committee. My answer is "Certainly not." If they desire to contribute they have the same right to do so as any other citizen. I would have no right and I certainly have no desire to prevent any strictly voluntary contributions or any other proper service to the party to which they belong, by any employees of the Commonwealth.

These two dispatches were reprinted and sent together "to each person connected with the State government." The yield was approximately \$111,000.⁹ This constituted something of an improvement over the techniques of 1878. No written demand was made by the collecting agency, nor was it an assessment. The Chairman of the State Committee himself said that no one was ever assessed in Pennsylvania because under the law to do so was a "very serious offense." On being asked if no effort was made to collect a certain percentage of the salary for the campaign fund, he replied, "Oh, no; it is all voluntary."¹⁰

A survey of the municipal service of Philadelphia some years ago indicated that approximately 94 per cent of the city employees paid assessments, it being generally understood that those who did not would be discharged. These assessments yielded several hundred thousand dollars annually. The disposition of these funds was not accounted for by the sworn statements of the treasurers of the Republican committees.¹¹

The practice of securing contributions from the great mass of federal employees has apparently ceased, but it has by no means been completely eliminated in all the services. The evidence

⁹Hearings before a Select Committee on Senatorial Campaign Expenditures, United States Senate, 71st Cong., 3d sess., pursuant to S. Res. 215. Pennsylvania, Pt. 3, pp. 331-332 (1930-31).

¹⁰Ibid., p. 266.

¹¹See Report of the Director, Department of Public Works, Philadelphia, 1914, pp. 28-29.

before a subcommittee of the Senate Committee on Post Offices and Post Roads in 1929 raises the query as to whether the Republican party in some of the southern states at times has any other function than the distribution of patronage and the collection from the appointees of "free-will" offerings for the good of the cause.¹²

Assessment may take the form of the "sale" of some article to the employee. During Thompson's administration in Chicago many of the city employees purchased tickets to the Republican jubilee held at an amusement park or subscribed for the administration newspaper, "The Republican."¹³ During "Ma" Ferguson's first administration in Texas a representative of the Ferguson Forum, "Pa" Ferguson's personal political organ, did a thriving business in subscriptions among state employees.

Similar is the exertion of various degrees of pressure over the administrative personnel to compel the purchase of services or materials from concerns in which members of the organization are interested. For example, Boss Cox of Cincinnati was president of a bank. He wrote a letter to officeholders "inviting" them to use his bank.¹⁴ The company which bonded city employees during Croker's regime in New York justly split commissions with Croker for they secured the business through his influence.¹⁵

¹²See Hearings before a Subcommittee of the Committee on Post Offices and Post Roads, United States Senate, 70th Cong., 2d sess., pursuant to S. Res. 193. At pp. 202-231 are abstracted the affidavits of 327 Georgia postmasters, 46 of whom swore that they had made no contributions.

¹³A grand jury report on the matter is quoted in Good Government, XXXIX (1922), 19. See also, People v. Murray, 138 N. E. 649 (Ill., 1923).

¹⁴Lincoln Steffens, The Struggle for Self-Government (New York: McClure, Phillips & Co., 1906), p. 201.

¹⁵M. R. Werner, Tammany Hall (Garden City: Doubleday, Doran & Co., 1928), pp. 345-346. On bonds in Boston, see Boston Finance Commission, Reports, XIII (1918), 150-174.

John Theofel, Democratic leader of Queens County, New York, did a thriving business through a concern in which he was the largest stockholder in selling automobiles to public employees.¹⁶

If the data presented are representative of assessment practices, it seems that there has been a considerable decline in assessments of federal employees. The practice continues to prevail in many jurisdictions on other levels of government, but it is doubtful if this source of funds is relatively as important to the political organizations as it was fifty or sixty years ago. The practice apparently is now subject to greater disapproval by the public than it was at an earlier time. Hence, more subtle techniques of extortion and a greater degree of secrecy exist now than formerly.¹⁷ Political assessments have been an important source of campaign funds, but patronage gives a much more significant power in control over the political organization.

2. Control of the Organization

Some sage has wisely observed that an army fights on its belly. He who dishes out the subsistence gets the salutes. It is no less true of a party organization. Leaders of a political organization, the inner core of which is composed largely of persons dependent upon them for a livelihood, have a tremendous power. Lines of control, of course, do not run directly from each individual to the leader. The organization tends to assume the form of clusters of personal loyalties about nuclear individuals who

¹⁶Samuel Seabury, Intermediate Report, In the Matter of the Investigation of the Departments of Government of the City of New York, pp. 135-138 (1932).

¹⁷But, witness the public dispute between two Democratic factions in Indiana during Governor McNutt's term in which the chief bone of contention seems to have been control of a fund raised by the assessment of state employees.

are likewise bound to persons higher up the hierarchy by materialistic ties eventuating in a more or less rigid control of the whole, within certain limits, by a relatively few individuals at the apex. The result is an army amazingly responsive to commands behind which rest a potent pecuniary sanction. This explains in part the strength, unity and persistence of such groups in the face of movements carried on by unpaid and hence undisciplined volunteer campaigners.

The potency of the possibility of discharge from office in creating discipline in the organization is obvious. The threat of discharge is well understood where there is likelihood of the exercise of this sanction and it requires no verbalization to have its effect. Now and then it gets into writing. A few instances will suffice to give the atmosphere.

In a speech to a meeting of city employees, the Pittsburgh Press reported the late Mayor Kline as saying:

Let me tell you, ladies and gentlemen, it doesn't require any intelligence to cheat. But the only unfortunate part of it will be that it will take me only to May 19 to find out who did cheat, and if then I found out a man who has cheated—notwithstanding we have civil service in Pittsburgh I would not keep him five minutes after I have discovered it.

This is Charlie Kline's fight. And I'm to fight to the bitter end.

I'm going to ask every man on the pay roll to come to our aid and assist us, I never was so deeply interested in any struggle as I am in this struggle.

County Commissioner Armstrong, presented by the chairman as "our honored former mayor," was reported as saying at the same meeting:

Joe Armstrong and E. V. Babcock represent the county and make the appropriations in the county. If you like Kline and like Armstrong and Babcock, you ought to hold up Kline's hands. Now, boys and women, love those that's loving you. . . . I want you to get behind the ticket.

Commissioner Babcock added:

Now, we county commissioners are going to take care of those who take care of us. . . . Give us honest and full support, and you may expect our comfort, succor, and aid.¹⁸

A front-page editorial in the Public Service Leader, the "Official Publication of the Regular Democratic Organization in Illinois," observed that the results of the November, 1932 election indicated that some precinct committeemen had failed in their trust. Two of the twelve Democratic candidates for the Municipal Court of Chicago had failed of election,¹⁹ although the fact that in some precincts the recommendations of the Bar Association were "followed blindly" was admitted as an extenuating circumstance. "Men who allowed any of the Democratic candidates to be sacrificed in their precincts are unworthy to serve as precinct committeemen," it was declared. "There are thousands of loyal Democrats who are eager to take their places and share in the rewards which those who betrayed their trust have forfeited." A purging was promised.

Bernard W. Snow, formerly Chairman of the Cook County, Illinois, Republican Central Committee, contrasts the effectiveness of paid and voluntary organizations in this way:

The Chairman (Senator Nye). Mr. Snow, do you not very often get as thorough service from volunteer workers as you do from those who are paid?

Mr. Snow. I think that any precinct committeeman or any ward committeeman will tell you that he has in his organization many people who are volunteers who do give exceptionally good service. But the ward committeeman

¹⁸Hearings before a Special Committee Investigating Expenditures in Senatorial Primary and General Elections, United States Senate, 69th Cong., 1st sess., pursuant to S. Res. 195, Pt. 1, pp. 639-642 (1926). Mayor Kline before the Senate committee denied having made such a speech. For a similar straight-from-the-shoulder pep talk, see C. H. Wooddy, The Chicago Primary of 1926 (Chicago: The University of Chicago Press, 1926), pp. 7-8.

¹⁹It later developed that at least one of the ten Democratic candidates elected received his office through election day fraud.

must have an organization which will respond very quickly to the demands made upon it, and that is the reason why in the securing of registration, in the circulation of pledge cards, there is a legitimate expense.²⁰

The upshot of all this is that the persons who control the patronage have a highly organized and well disciplined army of voters and campaigners ready to go into any campaign and wield a powerful influence. Under ordinary circumstances when the organization is united, it is almost useless to attempt to challenge it in the primary. And if one controls the primary, he has gone a long way toward controlling all.²¹ The votes of the members of the organization, public employees subservient to it, and their dependents are not inconsequential in many jurisdictions. Walter Davenport says in speaking of New York:

It is probably unnecessary to remind you that 148,000 people (all of voting age) are a considerable start toward a whacking victory at the polls. Multiply that by three, the average number of votes attaching to a single job, and you have something to celebrate even in New York City.²²

If the party were an originator of policy, the control of patronage would be a factor in securing the assent of the organization to the principles of its leaders. A long and prayerful examination of the functioning of American parties, however, leads to the inevitable conclusion that the parties as such can not claim credit for the origination of a single policy of major importance. Although the party possesses an organization marvel-

²⁰Hearings before a Select Committee on Senatorial Campaign Expenditures, United States Senate, 71st Cong., 2d sess., pursuant to S. Res. 215, Illinois, Pt. 2, p. 249 (1930).

²¹On the art of controlling primaries, consult Frank R. Kent, The Great Game of Politics (Garden City: Doubleday, Doran & Co., 1930).

²²"The Tammany Touch," Collier's, January 28, 1933, p. 12. Mayor O'Brien, Tammany candidate in 1933, received 586,000 votes in the election. The product of Davenport's formula is 444,000.

ously adapted to the ascertainment of popular sentiment on issues, it cannot be said that any very forward looking use of it for these purposes has been made. The practice seems to be on the whole one of equivocation until public sentiment can be gauged with a minimum of effort and then stampeding to the side which seems most likely to triumph.

The element of patronage does not, however, relieve the leaders of the organization of the necessity of paying heed to the sentiments of their subordinates in the rank and file of the party. In some situations decisions on the distribution of patronage, and other matters as well, actually rest in the lower reaches of the party hierarchy. The location of the power of command and decision apparently tends to rise to the top of the hierarchy as the pressure on the organization or the intensity of the struggle in which it is involved increases. In times of stress autocracy becomes real and the organization is perfectly articulated or it is wrecked. When the strain is relieved, the power of decision tends to gravitate downwards although nominally and in form control from above persists. The relationship of leader and led, or of governor and governed, involves reciprocal interactions, the balance of power turning this way and that with the demands of the situation.²³

Patronage may be used to maintain a subservient opposition as has been the case at many times and in many places in American municipal politics. By feeding a little patronage to trustworthy individuals in the opposition camp the enemy may be kept under control and the "good will," i. e., the socially inherited voting

²³Cf. N. J. Spykman, The Social Theory of Georg Simmel (Chicago: The University of Chicago Press, 1925), pp. 124-125. Also consider, if this is true, Michels' "iron law of oligarchy."

proclivities, attached to the symbolism of the opposition party kept out of the hands of persons who might become really dangerous opponents. For example, some persons have been so unkind as to allege that the Democratic organization in Philadelphia is merely a subsidiary of the Republican machine; similar remarks have been made about the New York City Republican organization.²⁴ Even if bi-partisan collusion is limited to municipalities and a few states, it probably has at times a strong influence on the vote in national elections in those areas.

Skillfully used, patronage may be employed to divide the opposition. Without attaching too great faith to its complete accuracy, the testimony of Thomas Geary, secretary of George Brennan, late Democratic leader of Chicago, illustrates the possibilities of this sort of thing.

Mr. Fink of counsel for the defense . I notice that sometimes a recommendee of Gus Miller²⁵ or Whalen,²⁵ and I think in one or two instances Tuohy²⁵ would get on [the payroll]—it seems that more got on from Link,²⁵ and the Deneen ward committeemen than from any of the others. Do you know the reason of that?

A. Yes, Brennan had a deal with Deneen.²⁶ The Deneen organization and Link was a member of the Deneen organization, he was voting with the Democrats down there on the board of trustees .

Q. Was there any policy on the part of Brennan to support Deneen to kill off Thompson?²⁷

A. That is right, that was his attitude. He was trying to kill Thompson, and he eventually killed him off. Some of that work happened after he was dead and gone, but he laid the foundation for it, and it happened that way.

²⁴On Cincinnati during Cox's boss-ship, see G. K. Turner, "The Thing Above the Law," McClure's Magazine, XXXVIII (1912), 580-581.

²⁵Trustees of the Sanitary District of Chicago.

²⁶Leader of the most respectable faction of the Republican party of Chicago. Former United States Senator, Governor of Illinois, et cetera.

²⁷Former Mayor William Hale Thompson, Republican leader.

Q. Why would you be lending aid to Judge Swanson²⁸ and Mayor Thompson factions of the Republican party in order to elect a Democrat?

A. There was a lot of deals on; Brennan had made the deals, there is no secret about those things, that is why our Democratic party was successful, Brennan out-smarted the Republicans, he had deals with them, he had one faction fighting the other, and kept them that way. There is no secret about it, and our captains were all working through his efforts.

Q. The idea was this; you sent men to the Deneen headquarters to help Deneen fight the Thompson end, and sent men to the Thompson headquarters to help them fight Deneen?

A. Yes, Brennan had various deals and that particular stunt went into effect that deal, and that particular faction of the Republican party. Brennan's theory was politics was a business, get the best out of it you can. It is the biggest business in this country.

.....
Mr. Northup of the prosecution : Q. You were not playing party politics? ²⁹

A. No, sir, we were playing business politics.

3. Control of Official Action

With the power of patronage, the organization has a powerful lever to influence the acts of individuals in their official capacities. This control is often exercised from outside the formal governmental structure by party officials who employ this power to promote the cause of the party. In many cases it cannot be said that there is a very great disposition to resist the suggestions of the organization. Obedience rests upon a long habituation to action in accordance with the policies of the organization, but the persuasiveness of its commands rests ultimately upon the power of removal and the power to reward by promotion or appointment or election to a better position. Many a budding statesman has realized this too late, much to his regret.³⁰ This

²⁸Deneen Republican candidate for State's Attorney of Cook County, Illinois, in 1928.

²⁹Transcript, pp. 2663-2664, 2666-2667, 2680.

³⁰On discipline, see The Autobiography of Thomas Collier Platt (New York: B. W. Dodge & Co., 1910), chap. xxv.

control extends further than the specific individual whose job is at stake. In a political system where the influence of the individual politician is measured by the number of jobs he controls, the power to give or withhold patronage from the followers of a given official may be employed to influence his action. That is to say simply that jobs may be traded for action in an official capacity.

Party nominating conventions are often the scene of dickering and barter—the delivery of votes already paid for with jobs or the delivery of jobs for votes to be received. Every four years witnesses the spectacle of a Republican National Convention with delegations from southern states governed largely by considerations of patronage. Boss Platt's popularity as a state convention manager was sometimes attributed to his command of state patronage.

When this interpretation is qualified by the consideration that he remained in "substantial control" of the state executive for about six years, there are no doubt a good many elements of truth in it.³¹

Patronage may be employed in controlling the action of individuals in legislative bodies, either by giving the legislators themselves positions in the administration or by allowing them to nominate their followers to positions. The irrepressible Mr. Geary describes George Brennan's activity in securing the passage of an ordinance by the Chicago City Council.

Mr. Fink [of the defense]: Q. Did he experience any trouble in having it passed?

A. He experienced plenty of difficulty; there was a lot of the aldermen was not for it, and the people was not for it, and even one of the trustees was not for it, but he whipped the council into line and whipped the various aldermen into line and the ordinance was passed.

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³¹H. F. Gosnell, Boss Platt and His New York Machine (Chicago: The University of Chicago Press, 1924), pp. 234-235.

Q. Just state in a general way the substance of what he would say to an alderman who was bucking him and did not want to support the water meter ordinance?

A. He explained the situation the Sanitary District was confronted with, and he said it is a project we have got to put across, because it is an ultimatum delivered to us by the War Department, and we have got to go through with it. The alderman would say, my people are against it and I will be God damned if I am for it, and he would say, God damn you, you are going to be for it, and you are going to like it, and they were, too.

Q. Leave out the profanity, you can leave that out, Mr. Geary. Did he say in substance unless they came in and supported the water meter ordinance, that he would retaliate and use his power as a leader of the Democratic party to punish them?

A. That is what he meant when he said you are going to be for it, and if you are not for it, you would be through.

.
Mr. Northup of the prosecution : Q. Now, you have stated that Mr. Brennan said that he would punish these people if they would prevent the passing of the meter ordinance. . . . How was he going to punish them?

A. Why, he was going to stop them from being nominated and elected.

Q. Did he say anything to them about cutting off their patronage? A. Yes, sir.

Q. What did he tell them?

A. He said "If you are not with this proposition, I will send candidates out to beat you. I am going to put up candidates against you. I am going to lop off your patronage. I am going to teach you."

Q. Now, did he say to the fellows who were with him, "I will give you the patronage"?

A. You are a politician, John. You know, if you go into a ward and knock a fellow down, you have got to give patronage some place.³²

The witness was not disinclined to give Mr. Brennan a great deal of credit for the actions of the officials of the Sanitary District, which perhaps did not prejudice the case of the defendants, but there is doubtless considerable truth in his statement.³³

³²Transcript, pp. 2647-2648, 2681-2682.

³³The following extract from the testimony is of interest in this connection:

"You mean to say Brennan assumed to give directions as to what should be done at the Sanitary District without consulting any of the Trustees?"

"He did not assume it; he did it."

Foulke chronicles an incident involving a contest in the Indiana legislature over the passage of a bill relating to the state éleemosynary institutions. Votes for the bill were

obtained by promises to appoint great numbers of friends of the legislators to positions in the hospital. One senator alone secured places for a daughter, a nephew, three nieces, and a number of friends and henchmen. Letters were written by direction of the Board to various members of the Legislature asking them to send persons to the asylum for appointment. . . .³⁴

Such incidents involving legislative bodies could be multiplied but these are sufficient to indicate the general technique of employing patronage in connection with this matter.

Persons in administrative posts are no less subject to this sort of influence. The object is to select loyal individuals who will accept suggestions without much question once they are appointed. As a matter of course these persons should be placed in those positions where their discretion may be employed to the best political advantage. State's Attorney Hoyne in 1913 in Chicago came into office on a platform of hands-off the vice question, but after one morals detective was knifed and another shot, he underwent a change of heart and inaugurated an investigation which

revealed an astonishing array of precinct committeemen and captains of the First Ward the hardest ward in town, bailiwick of Hinky Dink and Bathhouse John holding jobs as bailiffs, jail guards, and as minute clerks, as well as in other capacities in the courts, the sheriff's office, the county treasurer's office, the county jail and the Bridewell—especially in positions where they could be of help to the "boys" when they got into trouble. . . . Some of them were located in public offices where they were in a position to inform the dive-keepers of projected action. . . .³⁵

In the Fassett investigation in New York City it was discovered

³⁴Op. cit., p. 18.

³⁵John Landesco, "Organized Crime in Chicago," Illinois Crime Survey (Chicago: Illinois Association for Criminal Justice, 1929), p. 850.

that many excise inspectors, who were, of course, in a position to make enemies or friends for the party in power, were members of various Tammany Hall committees.³⁶ Administrative officials opposing the will of the organization may be removed, or when this is not advisable they may be transferred or even "kicked upstairs."³⁷

The courts are not always free from this kind of pressure, although it is usually much more effectively concealed. Ben Lindsey records that after his selection as county judge by the board of county commissioners he was approached and requested to discharge the court clerks and appoint a new set. When he refused, he says,

My friends, the "leaders" assured me that I need not expect a renomination to the bench; and the workers assured me that if I ever got a renomination they would "knife" me at the polls. When I pointed out that the court had to be run efficiently in the interests of the people, they replied: "You'll find out, at the next convention, how much the people care."³⁸

Pressure on the courts is often brought to bear upon clerks and other court functionaries rather than directly upon the judge. These jobs remain almost everywhere under the sway of the spoils system.

In summary, the patronage system serves as a means for the linking of individuals from diverse groups and classes to the party organization. The individuals who constitute the machine are subject to varying degrees of integrated direction and form a

³⁶New York Legislature, Testimony Taken before the Senate Committee on Cities, pursuant to resolution adopted January 20, 1890, II, 1320-1321.

³⁷See the testimony of Commander Stuart in the Teapot Dome investigation, Hearings before the Committee on Public Lands and Surveys, on S. Res. 282, S. Res. 294 and S. Res. 434, p. 773 (1923-1924).

³⁸Ben Lindsey and Harvey O'Higgins, The Beast (New York: Doubleday, Page & Co., 1910), p. 77.

governmental structure encompassing all the organs of formal government—legislative, executive, judicial—when developed to the point of highest perfection. Its arms—one hears squeamish individuals say tentacles—extend into all branches of the formal governmental structure and make constitutions and charters what they actually are, scraps of paper.³⁹

A Note on the Theory of Patronage.—It is only when a governmental regime is entrenched apparently beyond danger of subversion that it can select its officials on considerations relating solely to technical capacity to perform the duties of office. Until then the prestige and emoluments of public place must be utilized to secure support of groups, individuals, leaders. Public position serves along with other factors to cement into a cohesive unity whatever divergent interests there may exist within the predominant group in society. As the power of this group is consolidated and the interests of the individuals within this class become identical with the interests of the entire group, selection to public office from within the ruling class purely on the basis of merit may be substituted for the judicious distribution of patronage to integrate the loyalties of the most powerful.

It follows that under conditions necessitating the use of place for political reasons, that the broader the base of political power, that is to say, the greater the proportion of the entire society which is politically effective, the smaller is the proportion of public offices filled upon the basis purely of technical qualification. More individuals must be recognized by position within the larger group in order to keep its ranks unbroken.

In periods of a relatively high degree of political stability induced by whatever cause, one would expect the public service to be selected almost completely on the basis of technical merit largely from within the predominant politically effective class or classes. When there emerges a new ruling group, sooner or later, it is probable that for a time a larger proportion of the public service will be appointed with an eye to appeasing the diffuse elements in a controlling group as yet amorphous and unconsolidated.

³⁹The cost of the patronage system is tremendous, although no trustworthy estimate of the total is available. The New York Civil Service Reform Association estimated that the city could dispense with one-half of the employees exempt from the civil service law and save about \$25,000,000 a year.—Norman Thomas and Paul Blanshard, What's the Matter with New York, p. 34. Raymond Moley says that roughly one-half of the sum appropriated for the New York magistrates' courts goes either to political work or to waste and inefficiency.—Tribunes of the People (New Haven: Yale University Press, 1932), p. 263.

It should be said that these tentative generalizations arise only from a long time view and could hardly be seen in the political maneuvers of a short period. The function of place in attaining and retaining power emerges in a more graphic fashion in a democracy than in other polities, yet the final effect is identical however different may be the mode of operation. The conditions under which patronage arose in the United States were those of veritable revolution. The rise of a militant agricultural democracy and the decline of the old commercial and agricultural aristocracy contained the roots of the spoils system.

In non-democratic states in the past the problem of ruling has been essentially one of consolidating the strength of magnates whose power rested primarily upon control of large sections of the population through attitudes of subservience closely related to the ownership of land. By force, marriage, patronage, compromise these persons of position were brought into submission, alliance or collusion with the monarch. The equilibrium of power operated in a framework of attitudes of the general populace with respect to authority which was relatively stable.

The problem of maintaining authority and given persons in authority in a democratic state is much more complex. The consent of a greater proportion of the population of the population must be secured. Attitudes of submission may not be nearly so marked. Upstart ideas and personalities are relatively more influential. The techniques of achieving and retaining power are usually different and more diverse. In a despotic state the person with the strongest army usually won. The primary political relationships which cemented together a powerful minority, which is always enough to rule, were force, superstitious respect, economic dependence, fear. In a democracy the aim is essentially the same—to form a solid minority—but the techniques are in some respects different.

The theoretical assumption is that the entire group or a majority plus one governs. But a group cannot act without leaders. It must have organs of expression. There must be someone to take the initiative, to formulate the issues, to present alternative lines of proposed action, to reconcile reconcilable interests, to balance competing values. It is the persons who compose the party who furnish and set into motion the machinery for the performance of these functions. Where a consciousness of personal interest in the outcome of political conflict is not widespread among the electorate, competition arises among those interested for the formal support of those with only a nominal interest. This appears to be what has happened at times in the United States.

Within the limits set by adherence to abstract principle, behavior in accordance with interest, and socially inherited attitudes, there is an area in which favors, kindnesses, and mere acquaintance build up an affection or friendship which may express itself in political support in the modes peculiar to a democratic culture. A great deal of this support may come for the mere asking. In small constituencies candidates may create a sufficient number of supporters directly to win their election without the aid of an intermediary. In larger constituencies there must be a surrogate, and the party worker serves this function.

CHAPTER XVI

CONCLUSIONS AND INTERPRETATIONS

Certain conclusions and hypotheses may be drawn from the data which have been presented. A classification of the techniques of graft may be formulated, the functions of graft may be sketched, certain tentative remarks relative to the "causes" of graft may be offered, and some of the trends in graft and counter trends may be suggested.

1. The Techniques of Graft

The general scheme followed in presenting the descriptive material has precluded the formulation of a classification of the techniques of graft, but it should be obvious by the time this point is reached that there are certain common types which recur in all the activities of government. It is believed that practically all instances of graft may be grouped into several fundamental types of techniques of graft. The point may be raised that the patterns of behavior which are set forth as the basic techniques of graft involve such minute situations as to be meaningless. But in the precise analysis of social phenomena, it is necessary to break the indeterminate total situation into its component parts. It will be recalled that in the beginning graft was defined as an abuse of power for personal or party profit. It was noted that graft usually involved a relationship between the official exercising the power which is abused and some other individual or individuals and that the techniques of graft are the methods employed in these relationships plus the methods used

in cases of graft involving only a single individual.

Bribery to influence official action is the most obvious technique of graft. The name which a particular payment in money or other value for this purpose takes is immaterial. Some campaign contributions cannot be differentiated from bribes.¹ Business and professional relationships may conceal bribery. When a corporation secures its bonds or insurance, for example, from a political leader, it cannot be assumed that this is done because the "boss" sells the best insurance. Any favor secured as a result of such relationships is secured by bribery.² Bribery is fundamentally the same whether employed in relation to legislators, administrators, judges, other public officials, "bosses" exercising their power or private individuals acting in agency positions. It is the same on all levels of government and in all functions. The act of bribery, as has been observed from some of the instances recounted, is a matter requiring considerable skill. In the process there is often considerable preliminary negotiation in order to achieve an intimate relationship with the person to be bribed. He is given "good" and plausible reasons for doing what he is being bought to do. Sometimes advantage is taken of his financial needs, and he may be in a way "coerced" to accept. In other cases, of course, bribery is a more or less cold-blooded commercial

¹Perhaps the difference arises when parties openly espouse the ends which campaign contributors hope to achieve as a result of their largesse. This occurs only when such ends are for class, group, or public interest, or may be made to appear so, rather than for patently and unequivocally selfish individual interest.

²Legally the crime of bribery must involve persons possessing the power under the law to give what is sought by bribery. Legal fictions like this must be ignored in any realistic view. A "boss" probably would not have the legal power to grant the desired action, but actually he might have such power.

transaction.³

The converse of bribery is extortion, i. e., the abuse or threat of abuse of a power in such a way as to secure response in payment of money or other valuable thing. This technique is the same whether it is exercised by a legislative coterie through a "sand-bagging" bill or by a building inspector through a trivial "shake-down." In extortion the initiative is clearly with the public official or the person exercising his power. Legislators may hold a "regulator" or a "revenue-raiser" over the heads of persons directly interested in the proposed legislation and subtly intimate that it might be put quietly away by payments to the right persons. A licensing official may threaten revocation of a saloon license if a campaign contribution is not made. A disbursing officer may threaten to delay a payment justly due if some gratuity is not forthcoming. The assesment of public employees usually takes the form of extortion although it is actually carried on with widely varying degrees of subtlety. In all these and other similar situations the behavior pattern involved is the same, although, of course, in making threats and demands for money various shades of bluntness in communication prevail.

In individual instances it may be difficult to distinguish between extortion, solicitation of a bribe and bribery. Business men usually claim that all their bribes are "protection" money which they are compelled to pay. Others take the view that there is really no extortion, but that it is all bribery.⁴ It seems

³See the brilliant article on "Bribery" by H. D. Lasswell, Encyclopaedia of the Social Sciences.

⁴Cf. Donald Richberg's remarks: "Frequently they mask their effort by publicly asserting the need for 'protection' from political interference. Indeed, this is such a prevalent disguise for political aggression that doubtless most of the Insulls most of the time feel assured that they only carry a sword for defense

quite evident that there are both types of relationships.

"State-bribery" is a term which may be applied to those instances where control of various public properties and of the expenditure of public funds is abused—or perhaps more accurately misused—for the purpose of creating power or control relationships. Analyzed to the ultimate any instance in which one individual controls another is a power situation or relationship. Thus, state-bribery includes the control of the political organization, its candidates and to some extent its policies, by the control of patronage. A rebellious district leader or ward committeeman may discover that his printing contracts or his fire hose business has been cut off by the men "higher-up" in the organization and that it is too late to mend his ways. Control by state-bribery may extend to electors as in the employment of election officials and the hiring of polling places with the tacit understanding, if not express, that the ballots will be cast "right." This type of control may extend to the political attitudes of community leaders, such as bankers, through the distribution of deposits of public funds. The construction of public works, the distribution of subsidies may be in the nature of state-bribery, to control the electoral behavior of particular groups, territorial or functional. An executive may "buy" a legislator with an appointment. These examples are not intended to exclude others but are merely illustrative. The common element running through all of them is the element of control secured by an abuse—a perversion of the purpose—of the power granted to the official concerned. The object of the control need not be to influence a person with reference to his political behavior, but it generally

and not for attack when they lead a wealth-gathering foray."—"Gold-Plated Anarchy," The Nation, CXXXVI (1933), 368.

is. The widespread acquiescence in the practice of various forms of state-bribery does not change their real nature. The relationship is without doubt one of bribery with public funds.

Another fundamental form of graft is political discrimination in the formulation and administration of law or rules of behavior,⁵ that is to say, the power to make or administer law. The consideration is a political attitude rather than a payment of money or other value. Law making and law enforcing may be lumped together in this category for when law making is unequivocally employed for this purpose, as in administration, the individual case is dealt with rather than broad interests. The effect of abuse in this category may be to create lines of control within the political organization as when a ward committeeman or a district leader is permitted to operate a gambling house. The boss of the organization is certain of the support of this leader for he can order the police to close the place, if he wishes. In smaller matters the effect of this discriminatory administration of law may be to create "friends" among the electorate, as when tickets for violating traffic ordinances are "fixed." Political discrimination of this sort may come either as the result of the initiative of the official concerned or on petition of the person favored. The relationship may resemble either bribery or intimidation.

Discrimination in the administration of service functions for political purposes is a fifth fundamental technique of graft. The standards set up for the administration of services in individual cases are departed from and the criteria become political.

⁵Law is used here in the sense of a rule governing the behavior of the individual or corporate citizen. Administration is used in the sense of the application of such a rule to the individual case rather than in the sense of management.

Republicans are discriminated against in favor of Democrats in granting unemployment relief, for example. The Republican party functionary is given preference in the selection of stalls in the public markets. Abuses in the service functions may be differentiated from state-bribery in that abuses in the latter category are usually incident to some appointive or contractual relationship whereas abuses in the service activities are incident to a service relationship between citizen and government. Abuses in service relationships differ from abuses in the administration of law for in the latter a norm of conduct is applied through penal sanctions.

A final type of technique of graft may be denominated "auto-corruption." In bribery, extortion, state-bribery and the other types which have been described, relationships between two or more individuals are involved. In auto-corruption the public official or person exercising the power of such official, boss or whatever he may be, in a sense plays the role of both parties in the other situations involving two or more persons. He secures for himself the administrative privilege which would be secured by an outsider by bribery. He awards contracts to himself, perhaps using dummy corporations, which would go to reward a contractor in the organization. He appropriates public property which might be used to reward some other member of the political organization. At times in all types of auto-corruption the gains may trickle into the political organization through campaign contributions and by various other means, but there is a fundamental distinction between this and the other forms of graft. However, in some instances auto-corruption may be a single link in a chain of individual cases which create a "ring" formation of power. The spoils are divided by individuals in their respective official positions,

but the series of events bind together all the participants in the political machine. In auto-corruption cases often occur in which the personal gain far outweighs the group or party advantage. Matters of this kind, of course, have no place in the well regulated machine.⁶

In addition to these fundamental techniques of graft there are employed in conjunction with the primary methods various subsidiary or ancillary techniques, which have been described in considerable detail in connection with the various activities of government. The methods of maintaining secrecy, which is essential in most types of graft, are fairly obvious. In the first instance as little evidence as possible is created. When bribes are passed only the giver and the receiver are present, or perhaps the money passes through several hands from briber to bribee.⁷ Some of the individuals through whose hands it passes may be more or less ignorant of what the purpose is. The terms of an agreement to give some particular privilege may be vague, indefinite or merely implied. Non-verbal symbols may be employed.⁸ As little

⁶Many political leaders who do not profit in a pecuniary way themselves tolerate and bear criticism for inexpedient grafting by their followers. In the nature of things it is difficult to exercise much control over the illegal activities of the members of the organization in office, once it is agreed that the organization is out to get all it can. The unscrupulous leader must leave it to them to exercise their judgment to do what "will go" and what "won't go." If every plan for graft were submitted to the board of strategy of the organization, some of the less well considered ones would undoubtedly be vetoed. But, then, there are statutes punishing conspiracy which might be effectively applied if such an arrangement could be proved.

⁷Compare the aphorism in R. E. Shapley, Solid for Mulhoolly (New ed.; Philadelphia: Gebbie & Co., 1889), p. 59: "A man who's d---d fool enough to call in witnesses to see him take a bribe deserves the extreme penalty of the law."

⁸The conversation of the corporation head and his political lawyer serving as an intermediary "could be heard by all the world and published without harm—so long as the winks, nods, and facial expressions are not shown on the screen."—Frank Kent, The Great Game of Politics (Garden City: Doubleday, Doran & Co., 1930), p. 137.

documentary evidence as possible is created. When payments have to be made from corporate or firm funds, false entries are made. A bribe may be charged as repairs to steamers or roadbed maintenance. Double records—one false, one true—may be kept. Dummy corporations have a multiplicity of uses. Business and professional relationships may conceal bribery. In the maintenance of secrecy much depends on the "right" relations with opposition politicians and with newspapers which might ferret out and disclose unsavory matters.

The various methods of camouflage and counter-propaganda constitute another subsidiary technique. In nearly every instance of alleged graft the accused has an explanation differing from the interpretation offered by the prosecutor.⁹ The meanest sort of "steal" is sometimes transformed by the graft artist into a great deed for the promotion of the public welfare or at least a bit of harmless pillaging of the rich for the benefit of the poor. If this cannot be done, sufficient dust may be raised to create confusion and doubt. Foreign wars to allay domestic uprisings is a political theme on which there are many variations. Grafters as well as other political technicians have been thoroughly aware of this principle of politics. We have the spectacle of "Big Bill" Thompson sallying forth to kick King George "on the snoot" after his cohorts had virtually carried away the city hall stone by stone. Grafting political organizations have managed their activities as if public opinion mattered, whether it did or not.¹⁰

⁹The transparent saw, "It was a loan and not a bribe." "I got the money speculating on town lots in Japan." "It came from my tin box, a wonderful tin box." "My uncle, a seafaring man, gave me the money." "I won it on the races."

¹⁰A first rate study could be made of the techniques and functions of deception in politics.

The evasion of legal requirements, such as those in civil service laws and in regulations governing the award of public contracts, is a subsidiary method which varies with the legal regime concerned. Certain types of evasion, however, recur. Legislation cannot anticipate every possible contingency and exceptions to the general rule are usually provided. These exceptions may be utilized to such an extent as to nullify the general rule. Temporary appointees are named under the provisions of the civil service laws providing for emergency appointments. In awarding contracts orders are divided and made under the legal provisions allowing purchases without calling for bids when the amount is less than \$1000 or \$500. Discretion may be abused. Thus, who is the lowest responsible bidder? General terms may be used to indicate specific things as in the manipulation of contract and purchase specifications. Probably more important than these verbalistic techniques designed to give a color of legality is the outright disregard of legislation governing the administration

The master strategy of the political machine consists in the political consolidation of the beneficiaries of the graft system together with others who may be brought into the combination by some other appeal. Thus, graft as it has been defined may be either sporadic or systematic. The individual instances are the same in either case, or on any level of government, or in any country, but in any instance it is contended that it is virtually impossible to rule by graft alone. Other techniques must be employed to win the support of persons who do not obviously benefit as a result of graft.¹¹ At any rate the technique of

¹¹Many of the most important techniques of political machines do not involve graft. Thus, many voters cast their ballot in accordance with attitudes inculcated in early childhood. The machine may control the symbols of the Republican party or of

combination of various interests into a governing bloc is not peculiar to organizations specializing in corrupt political techniques. It consists in welding together all the interests benefiting by the privileges given as a result of bribery, the receivers of state-bribes, and beneficiaries of political discrimination into the most powerful combination in the political life of a jurisdiction. It may include the suppression of opposition by methods often akin to intimidation as by a threat to skyrocket an individual's tax bill. Regardless of the techniques employed this procedure has to be consummated in order to attain and retain power. The aspect of a corrupt power combination which may be peculiar is that the combinations and alliances are effectuated by the application of sanctions and controls with compelling force directly to the individual. When some other types of techniques are employed successful combinations may be effectuated to a greater extent by group appeals. But the sole function of these power techniques is not to place a given set of individuals in power.

2. The Functions of Graft

A clear distinction has been made between means and ends, between techniques and objectives. The techniques of graft have been regarded primarily as techniques of political control. The function of these political methods is to exert control or to influence somebody—to get something done. The basic techniques are practically the same in different places and at different times, but their function varies with the particular situation in which

the Democratic party through graft, but graft is not necessary to secure the support of the persons who inherited their political beliefs. As long as people are simple there will be somebody to delude them.

they are employed. The class of persons utilizing and profiting from the techniques of graft varies from time to time, but the methods are about the same. Thus, in a given city perhaps at one time the street railways were the chief corrupters of politicians; a little later it might be the gas interests; still later, the bus companies. In a state the railroads would run the government for a time and then turn it over to the timber and mining interests who in turn might relinquish control to the electrical utilities. These differences in personnel and objectives, but similarity in techniques and patterns of participants, show what is meant by the distinction between, techniques, functions, ends.

The function performed or the end achieved by the use of the techniques of graft varies, of course, from time to time. The same is true for any political method. The Moscow Communists may employ essentially the same methods to retain power as the Italian Fascists, but for quite different ends. Some of the more frequently appearing functions which have been performed through the instrumentality of the techniques of graft in the United States may be indicated in brief compass.

The patronage system has served, and still serves, as the principal method of consolidating into a cohesive mass the politically effective sector of the population.¹² Within the relatively small group or class constituted of the people of political impor-

¹²The concept of the politically effective sector of the population is based upon the hypothesis that a relatively small proportion of the population will operate and be immediately influential in the operation of the government. In so doing the wishes or hypothetical wishes of the masses may condition their behavior, but the actual power will be left to a relatively few. In a city this group may be the political machine proper and the persons bound to it by close ties often of a material character. In a social aristocracy based on land it may be a relatively few large landowners. In large social units it is of course difficult to define the limits of this group with any high degree of precision.

tance the control of patronage serves as a powerful means of control, of discipline, of direction. Lacking the tradition of a governing class, a socially responsible elite bound together by the ties of tradition and perhaps class interest, patronage serves to integrate the activities of individuals bound together by no other tie. It aids in the creation of class loyalties and simplifies the problem of party discipline. Other factors in the creation of party cohesion are not to be discounted, of course. The patronage system may be credited in a way with the functions performed by political parties for they have been largely financed from the public payroll. It is difficult to see how the functions carried on by parties could have been done on the same scale without some such method of financing. Almost everywhere party organizations have a permanent personnel which is paid for its services, but the funds for this purpose may come from sources other than the public treasury. American parties receive the benefit of a great deal of voluntary service, but a large proportion of the party work is paid for from the public treasury.

Various other functions have been served by the patronage system. It may be true that a bureaucracy will almost inevitably take on the color of the social structure of the nation, but the free and easy distribution of jobs has aided in the nationalizing process in the United States. The western lawyer and politician has always had an open ear to the call to serve his country in the federal service; and many of them responded to the call. Thus, through the federal and other public services has flowed a stream of individuals which, perhaps, has had its influence in creating national cohesion in a continental state surprisingly free from serious centrifugal tendencies. Patronage, of course, has been but one of many factors. The ready access to the public service

to members of immigrant groups has doubtless aided in the process of assimilation and in the creation of new national loyalties. Had any successful effort been made to reserve public office for "Nordics," serious difficulties would have in all probability arisen.

Other forms of state-bribery, such as the distribution of contracts, orders, bank deposits, and tax favors in return for political services or support serve precisely the same function as the utilization of patronage to create lines of discipline in a political army. Many party functionaries are compensated for their labors with printing contracts, construction contracts, and various other types of public expenditures. These relationships serve to control, just as jobs do. It is, of course, not to be denied that many of these relationships involve more of fraud, of purely personal profit, rather than group profit, but the aspect of patronage and other forms of state-bribery which stands out vividly is the fact that office, hope of office, or other immediately personal reward serves to solidify a "political" class lacking the tie of tradition or the resources necessary to sustain a benevolent oligarchy. Whether this is "right," or "just," is a matter for the professors of ethics. The phenomenon is there.¹³

Graft in the proprietary activities of government results in the creation of control relationships within the political machine. It is a means of controlling and rewarding the members of the party organization. Techniques such as bribery serve a

¹³The emphasis here has been on state-bribery as a method of intensifying or creating loyalties and lines of control within the ruling bloc. This method may also be used in warfare between social groups with very real differences as in the use of pensions and places by the court party to control members of Parliament in England. This reflected deep seated differences in the nation. See James Burch, Political Disquisitions, or, An Inquiry into Public Errors, Defects, and Abuses (London: E. & C. Dilly, 1774-75).

different function. They may often be a means of solving provisionally at least conflicts of interest between social groups or between individuals and society. The wholesale bribery of legislatures by railroads in connection with rate regulation and taxation involved a dispute between carriers and shippers. The shippers were victorious in the long pull, but they were checked for years by techniques often of a corrupt character. Thus, bribery may be a means of retaining a privileged position which would otherwise have been lost earlier.¹⁴ In the development of telephone, traction, gas and electric utilities in urban centers bribery was and is employed rather freely in various forms. This involves a conflict between the utility and its customers over rates and services, but in its earlier phases there was a bitter struggle over the issue of whether such services should be monopolistic in character. In the achievement of monopoly bribery and kindred methods played no minor role. Retrospectively monopoly appears to have been inevitable and not wholly undesirable. Thus, bribery may expedite the coming of the inevitable. In the exploitation of forests and minerals, bribery bore down much of what little opposition there was to the activities of the exploiters.

In some cases bribery has served as a technique for the achievement of accommodations between groups with conflicting codes of moral conduct. The stream of puritanism encounters powerful opposition from masses with different standards of behavior and from those who profit by catering to their tastes.

¹⁴Privilege as used in American politics is a rather vague term. It could be defined as something the other fellow has which you do not have. It may be a profit or a business or financial position or "right" which is in violation of the existing rules of the game or standards of fair play. Or the constant revision of these standards may bring into the category of privilege practices or "rights" once considered legitimate.

Sentiment wavers. The newspapers and the churches "turn on the heat" occasionally. The community as a whole takes a hypocritical attitude. In this state of indecision and conflict the system of police graft makes possible prostitution, gambling and other practices. It serves in a way to "regulate," control, license and keep within bounds practices which are beyond the law. They cannot be controlled through the forms of law. Whether these problems could be dealt with without the use of bribery is another question, but there can be no doubt but that bribery has been an important ingredient in the forces eventuating in operating arrangements for these businesses.

In the administration of regulatory ordinances and laws of various types bribery has been a convenient way to avoid legal requirements which may be impracticable of application. Other rules socially desirable and applicable have been swept aside in the same way by business men too busy and impatient to spend their time in securing the formulation and adoption of more workable standards reconciling their interests and the public welfare in a "fair" manner.

As has been indicated at different points throughout the volume various methods of graft serve to control a considerable proportion of the electorate. The political organization usually attempts to dispense all governmental favors through the party hierarchy. At times the governmental officials have become so habituated to action upon the request of party officials that to secure a service involving no departure from the customary rule requires party intervention.¹⁵ The party becomes the government. In its relations with the citizenry in distributing privileges

¹⁵Compare "deputantism" in France.

there seems to be a tendency for relations between the political organization and other social hierarchies to be carried on between equals. A "big" business man will see a "big" party man and so on. By this method of administration of favors the party may gain the loyalty of the beneficiaries, although so little is known of the behavior of the electorate that the extent of this influence can not be estimated with any degree of accuracy.

It is not to be denied that the privileges and ends sought by the techniques of graft are almost always immediately selfish in character. Perhaps most ends achieved by political action, regardless of the methods employed, are selfish to a greater or lesser degree, but the ends secured by graft are usually more immediately and obviously so. The various functions of graft have been set forth for the purpose of suggesting that in some instances the immediate ends achieved by specific instances of graft may have more meaning when considered from a broader point of view.

3. The Causes of Graft

In the light of the point of view of this study—that what is usually described as graft and corruption is, in general, power techniques employed to establish certain control relationships—any discussion of the causes of graft might be considered irrelevant. It is as if the author of a treatise on military strategy or the methods of artillery warfare should add as an afterthought a discussion of the causes of war. Or could we ask what are the "causes" of propaganda? Certain hypotheses and tentative conclusions may be submitted, however, for whatever they are worth.

It is almost futile to speak of causal relationships in

the sphere of social phenomena. Single causes, direct effects are almost impossible of isolation with certainty.¹⁶ In ascertaining the "causes" of graft, if one wanted to search out "universal" generalizations, it would be necessary to examine a fair sampling of all cases in all countries at all times, and even then the quest might be futile. At any rate such an inquiry is beyond the range of the single investigator. Then is one to search for the "causes" of graft in the United States, in New York City, in Illinois? Or does one want to know why John Doe bribed Police Lieutenant Richard Roe to let him run a crap game in Chicago's levee district in October, 1910? It is important to define precisely the phenomenon which is being explained, and to distinguish carefully between remote and proximate causes. Glib explanations on the basis of economic "forces" are to be avoided. What are these mystic forces which emanate from locomotives, street car lines, breweries to influence politicians? The question is absurd. Political phenomena are social, human, relations.

The phenomenon to be explained is in general the abuse of the control of the power and resources of the state for personal or party profit.¹⁷ These abuses, as has been shown, involve re-

¹⁶A causal interpretation of systematic bribery on the basis of intra-individual drives established in early childhood would seem erroneous. See the suggestive remarks of H. D. Lasswell in his article on "Bribery," Encyclopaedia of the Social Sciences. Could it be said that the generations reaching maturity near the fall of the Roman Empire or from 1850 to 1900 in the United States were by chance conditioned so as to possess these urges in an unusually high degree? Or, if all children at all times possess these drives to an equal extent, what are the conditions which lead to their more general expression at certain times? Bribery must be explained in terms of inter-individual relationships with reference to third persons or things rather than in terms of intra-individual drives. The political significance of the act is the same regardless of what the particular sets or drives which motivate the particular individual may be.

¹⁷The existence of abuses depends, of course, upon the coincidental existence of certain standards of behavior.

relationships of bribery, favors for political support, state-bribery, etc. Why do individuals offer bribes? Why are they accepted? Why is patronage distributed to strengthen the political machine? These and similar questions must be answered. Why are these techniques used instead of some other method? The political technique employed to achieve a given end may be a function of the situation in which it is employed. The method of attack is molded by the surrounding circumstances. When propaganda is most effective, it will be used. If force is necessary and applicable it may be employed. If bribes only will serve, they may be offered. The real problem is what are the conditions that evoke war and violence? When are bribery and other similar techniques employed?

In American legislative bodies the type of question in which bribery and allegations of bribery have been made, appear to possess certain relatively definite characteristics. The gain to be secured by bribing the legislature has been immediate and often quite great. The party to be benefited by such action has usually been an individual or a group interest, such as a corporation or association, which could act as an individual. It is obvious that a vague class such as capitalists, farmers, or laborers cannot bribe a legislature or anybody else.¹⁸ The person to be bribed must have the power, de jure or de facto, to grant the desired action.¹⁹ Often the interests injured by action achieved

¹⁸There are a few cases on record of a small group attempting to bribe a legislative body. In a few instances slush funds have been raised to influence city councils to increase the salaries of policemen and firemen, but apparently the promoters of these enterprises were not acting in good faith. They pocketed the fund and fled the city. But, when a city pays tribute to an invader not to quarter troops, is this bribery, taxation, or merely plunder? See W. S. Davis, The Influence of Wealth in Imperial Rome (New York: The Macmillan Co., 1910), especially chap. ii.

¹⁹There have been numerous instances where persons have solicited bribes on the representation that they had the power

by bribery are poorly organized or have little consciousness of injury, as when a city council is bribed²⁰ to vacate a portion of a street in an obscure and little frequented part of the city. The injured interest may be relatively inconsequential in the entire social set-up. Usually the ends sought by bribery are such that they cannot be readily secured by any other method. They could hardly be secured in an open and frank manner; or publicly reconciled with the prevailing concepts of the general welfare or of fair play. A fundamental prerequisite for bribery, as well as for state-bribery and allied abuses, is the existence of agency relationships. Presumably a principal cannot be bribed to act contrary to his own interests. Where power, law making or administration, is concerned the function cannot be assimilated completely to the agency relationship, but in the proprietary activities this may be done.²¹

A more detailed consideration of these characteristic conditions may make their nature more apparent and throw some light upon the problem of bribery in general. The nature of the decisions involved when legislative agencies are bribed, it has been noted, usually involve an immediate and substantial gain. It was

or influence to grant the desired favor when they actually did not. This is swindling; not a solicitation of a bribe.

²⁰Or, as was more often the case, the member in whose ward the ordinance applied, leaving it to "counciliar courtesy" to be adopted by the entire group.

²¹In large scale activities, both public and private, bribery and other violations of trust duties are possible. It may be that in some instances or in part, periods of corruption are due to the lag in the development of attitudes in keeping with the widespread existence of fiduciary activities. Individualistic self-interest attitudes tend to project over into an era of group or collectivistic, and therefore agency, activities. A different sort of attitude, a different ethic, different mores, are required for government and corporate activity than for individualistic enterprise. Mores in conformity with trust duties have to be developed.

either to secure a new value or to prevent the loss of one currently enjoyed. Vast land grants, mineral and timber rights, rights of an intangible character such as utility franchises, rights granting monopolies such as the "baking powder" legislation, permits to construct switch tracks, licenses or permits for certain types of business, subsidies to private enterprise, indemnification of various sorts, legislative regulation of railroad rates, insurance legislation, questions of taxation of specialized types of economic activity are examples of the sorts of questions in which legislative bribery has been proved outright or circumstantially indicated. In cases where legislatures were bribed to elect a man as United States senator intense personal conflicts often were involved which at times were merely the facade for deeper struggles between competing interests within the community. It seems that in most cases where bribery is employed on legislatures there is an immediate gain of considerable value.²²

Moreover, the parties which bribed legislative bodies or purchased their souls in far more subtle ways have been individuals or social aggregations with the capacity to behave as individuals. Since every relative gain of position in the social hierarchy must be secured at the expense of others, some class or group is injured by such action.²³ It seems that as a rule the interests injured by legislative action resulting from bribery have possessed but slight feeling of a community of interest, have been weakly organized, or at least have possessed a relatively

²²Cf. the English procedure employed in the parliamentary consideration of private bills which often grant privileges of this sort. A full and fair hearing to all interests is assured.

²³Unless new or compensatory types of deference are created. See H. D. Lasswell, "The Problem of World Unity: In Quest of A Myth," International Journal of Ethics, XLIV (1933), 77.

weak cohesion with reference to the question at issue, and were on the whole perhaps dimly conscious of their loss.

The relevance of these facts to an explanation of bribery is clearer if the instance is cited of a court of law deciding a case between two parties of similar strength, both provided with able counsel and equally endowed with this world's goods. Under such conditions there is not likely to be gross favoritism. It is not likely that the jury will be bribed or that the judge will accept an opportunity to sell some of his worthless real estate at a fancy price. When legislatures passed acts granting an immediate benefit to a small and definite set of individuals to the loss of the vague general public, bribery was likely to occur. All of which is another way of saying that when there are well organized pressure groups possessed of equal or nearly equal power the legislative decision on an issue between them is not likely to be influenced by bribery on behalf of one of the parties.²⁴

It may be that bribery in the sorts of questions usually decided by legislative agencies may occur on a large scale only in a relatively chaotic society in which new interests are forging upward, rapid realignments of wealth are being formed, the introduction of new inventions and new technological devices is rapidly upsetting the old economic order, society is relatively unstratified or old class alignments are being shifted and reformed.²⁵ Under such conditions individuals rather than broad groups or

²⁴See the stimulating discussion of the interests playing upon the Interstate Commerce Commission and the rules governing their activity, E. P. Herring, "Special Interests and the Interstate Commerce Commission," American Political Science Review, XXVII (1933), 738-751, 899-917.

²⁵The terms class and strata are used here in the sense of broad classes cutting through the entire society.

classes are the dynamic factors.²⁶ It will be remembered that bribery of legislatures usually involves action by such individualistic rather than class interests. In a relatively democratic and individualistic society under the chaotic conditions described it seems that bribery is about the only effective way in which new interests of the types mentioned may achieve power rapidly.²⁷ Other techniques are not practically available. When, however, the atomistic society becomes stratified and there is a consolidation and integration of ruling economic and social interests on a fairly stable basis, there is usually not so much to be gained by bribery. The new ruling class becomes hallowed and receives popular deference. Then the more common and less censured types of political techniques are usually employed, although privilege may be as prevalent as when bribery is frequently used. Taking a shorter run view, when a strong pressure group or counter-pressure group arises, the legislative agency is not so likely to be bribed as when the briber is practically unchallenged.

Before passing to a consideration of graft in the administration of law, it should be observed that in graft in legislation the interests which aggressively bribe legislative bodies have been often involved in new sorts of questions to which there is no ready solution. No pattern or category exists into which the new situation can be conveniently applied. Government tends to become government by favor, or by grace, rather than by rule. In some

²⁶For a defense of bribery as a means of facilitating "progress" by industry, see H. J. Ford, "Municipal Corruption," Political Science Quarterly, XIX (1904), 673-686. For another interpretation, see Gustavus Myers, History of the Great American Fortunes (3 v., Chicago: C. H. Kerr & Co., 1908-1910).

²⁷Consider the discussion of money in French politics in relationship to Parliament in the light of these remarks, by J. K. Pollock, Money and Politics Abroad (New York: A. A. Knopf, 1932), chaps. xvii-xix.

instances it must be so because of the very fact that at the moment there may be one or a very few persons in like situations. If one is granted a favor by royal dispensation, why not pay for it? These considerations seem to have considerable bearing on graft in the administration of laws or rules which are verbalistic crystallizations of inter-group power relationships.²⁸

When a given set of rules, regulations, or ordinances is not generally accepted, no longer fits the requirements of the affected interests, or, as happens at times, becomes virtually unenforceable, there is likely to be favoritism in its application and it has been concluded tentatively that under such conditions bribery and extortion are likely to prevail in connection with official action. Or when a law, such as the general property tax or the laws against gambling, becomes completely unenforceable in a part of the jurisdiction at least, a new, unwritten rule may develop under which nobody has any legal rights and which may be applied in a discriminatory fashion. The general rule may embrace in its application individual cases to which its application would work great hardship and injustice or, on the other hand, it may not be sufficiently wide in its application and may discriminate by exclusion.²⁹ As in legislation it appears that the interests injured by discriminatory applications of the general rule which no longer possesses any vitality are often but slightly aware of

²⁸It might be said that the politician—the statesman—is an inventor of acceptable formulae for the reconciliation of competing interests.

²⁹Legislation in a specialized and heterogeneous society in which situations to be dealt with are extraordinarily varied is a complex matter. General rules applicable to everybody are almost impossible because of differences in situation on almost every hand. Rules governing special classes in special situations must be formulated. Diverse cases are almost of necessity compressed into single categories.

their loss or may be actually uninjured.

It appears that in some cases economic competition is an additional factor of influence in efforts to secure discriminatory enforcement of regulations applying to a given class. Failure to abide by a given rule governing working conditions, say, may result in a lowering of costs and an improved position within the market. Perhaps most of the members of the class affected by the rule would be willing to abide, but to meet the competition they too must seek similar concessions. The workers may be able to compel uniform enforcement or under some conditions the persons to whom the rule applies may unite and compel the appropriate administrative authority to apply the rule uniformly. Or, if the rule is "unreasonable," it may be reformulated. At times of pre-occupation with profit-making it may be cheaper to postpone the latter alternative and make provisional adjustments by bribery. A reformulation of the rules of the particular game comes only slowly or mayhap after some disastrous incident which vitally affects and arouses from its lethargy the group for whose protection a given rule is designed.³⁰ In some types of matters the formulation of principles to govern the administration may be virtually impossible.³¹ Laws and regulations capable of appli-

³⁰This suggests that possibly to eliminate graft of certain types in the administration of law the best technique to employ is to follow a policy of piece-meal reform, making appeals to and organizing pressure from the interests vitally and immediately injured by a specific abuse rather than by vague mass appeals to "throw the rascals out" or other similar techniques. In some instances it might be discovered that there were no such groups to which appeals might be made. The obvious remedy is to repeal the law and legalize what has been accomplished by favoritism, bribery.

³¹In connection with this general discussion consider the remarks in a report to the Secretary of State for Scotland with reference to bribery in the allotment of spaces in the Glasgow public market: "So far as we could discover there were not any definite principles on which stances were allotted. The conditions

cation in actual practice with the greatest degree of equity to all individuals within the affected class in a more or less mechanical way are sometimes held out as the remedy. But this is Plato's problem—what is justice? Equity?³²

Many instances of discriminatory administration of ordinances, regulations, services are encouraged by an ineffective administrative control within a particular unit of governmental organization. Subordinate officials are able to accept graft and gratuities in return for favors without the knowledge of a well-meaning head of the bureau or department.³³ The creation of effective devices of control, fundamentally an effective system of espionage and discipline, puts the fear of God into the hearts of such individuals and gives them a more rigid determination to walk the paths of rectitude. When an administrative organization is

under which stances are allocated as described above offer in our opinion unnecessarily favorable opportunities for bribery." In connection with the letting of corporation houses, it was suggested that "where there is competition for a particular house and the claims of the rival competitors are evenly balanced, the choice of tenant might be determined by lot."—See Report of Glasgow Tribunal of Inquiry, 1933, Cmd. 4361.

³²Cf. the remarks in a manual for tax assessors: ". . . . the human equation must be eliminated as far as practicable. For the individuality of the appraiser and his varying judgment, affected as they are from day to day by many contacts, there must be substituted a system working with mechanical precision, and supplemented by individual judgment only when necessitated by unusual physical or economic considerations. Not only must the assessor subordinate his identity, but the property assessed must be impersonal also; it is the property that is to be assessed, not its owner."—C. E. Reeves, The Appraisal of Urban Land and Buildings (New York: Municipal Administration Service, 1931), p. 9. This suggests the explanation for graft put forward by certain sociologists, viz., graft occurs in primary group relationships; uniformity and impartiality arise in secondary group or institutional contacts. This probably explains some instances of favoritism, but only a limited number. The sociological theory is succinctly expressed in the query, "What is the Constitution between friends?"

³³It should be noted that here again is a violation of the duties of an agency relationship.

hastily improvised or expanded, as in times of war and demobilization, time is often lacking for the establishment of routinized procedures of administrative control and the careful selection of personnel, with the result that graft is more likely to occur than would otherwise be the case.

It is said that the lack of an esprit de corps, of a code of ethics, and of effective group opinion among public officials as a class which would vigorously reprobate the acceptance of bribes and various types of maladministration explains graft. The existence of such factors would undoubtedly hinder graft, but why have we not had such a governing group? Furthermore, it may be as important and probably more difficult to explain the absence of graft than its presence. As particular interests become less individualistic and more corporate, i. e., "groupistic," and when workable and acceptable formulae for governing their particular relationships are evolved, the personnel administering the particular rule is likely to improve because of the compelling desire to implement the consensus effectively. The cause of graft, by and large, is outside rather than within the formal governmental mechanism. The men who want a certain function administered ineffectively will try to see that it is in the hands of an incompetent personnel.

The presence of unassimilated immigrant groups has often been put forth as a cause of widespread graft. The presence of such groups which may be exploited electorally and sold out by their leaders undoubtedly has facilitated the operation of a graft system in some cases. These groups could be conveniently manipulated and utilized in the formation of a corrupt power constellation. It was not the fact of their immigrant character which made this possible, of course. Various native groups have served

equally well the same purposes.

What has been said may be about the equivalent of saying that individuals buy and bribe and secure various tangible and intangible privileges and deferences under two conditions: (1) when such rights are available and valuable, and (2) when they can get away with it. Bribery has been the means of securing these ends. But a bribe may be an end in itself for the person receiving it as well as a means for the actor in the situation. As war is not an end in itself except perhaps for the generals. Similarly, state-bribery is a means of making cohesive the political organization, but it is also an end for the job-holders, the crooked contractors, and other individuals receiving unwarranted privileges directly or indirectly from the public treasury.

These beneficiary interests may be considered in the same light as groups or persons securing abstract and intangible privileges of great value as well as some tangible ones through legislative or administrative action. Such beneficiaries are willing to combine with others in order to secure the benefits which they desire.³⁴ So the beneficiaries of state-bribery are willing to combine with the seekers of privilege, high and low, to get what they want at the expense of the weaker opposing interests.³⁵

³⁴Or, as is usually said, the magnate who gets a franchise with outrageous conditions cannot very well object when the police "shake down" a gambling joint. See Steffens' *Autobiography*, p. 567, quoting a railroad lobbyist: "We have to let these little skates get theirs; we have to sit by and see them run riot and take risks that risk our interests, too. We can't help it." Our company and the "interests associated with us are not rich enough to pay all that politics costs."

³⁵This seems to be true regardless of the special rationalizations put forth in support of certain types of state-bribery. Thus, the theory of rotation in office, advanced to justify the inevitable concomitants of the Jacksonian agrarian revolution, project through into an industrial society to justify the continuance of a patronage system which has in some jurisdictions been the hand-maiden of a plutocratic oligarchy. This should not be

Job-seekers lobby for positions, contractors bring pressure to bear to secure contracts, just as do pressure groups seeking legislation and administrative action involving the exercise of a power not calling for an immediate direct public expenditure. In fact, clarification of the process may result from viewing the solicitors of state-bribes as pressure groups along with the other groups generally recognized as such. Thus, by a combination of those seeking abstract and intangible privileges as well as those wanting to divide the patronage and other perquisites, a powerful social combination is built up. When graft prevails on a wide scale this is the strongest combination. Nakedly, when a jurisdiction is thoroughly graft ridden, it is merely because the most powerful combination in the community wills that it be so.³⁶

4. Trends and Counter-Trends

The mass of data reviewed in this study admittedly presents a one-sided picture. Moreover, no effort has been made to arrange the material chronologically in order to show what changes have occurred either in the techniques of graft or in the extent of the prevalence of graft. Considering the broad scope of the inquiry these matters are difficult of measurement with much

interpreted as a denial of an uncertain degree of strength to ideological factors, such as the spoils tradition, in aiding in the persistence of certain practices. Once a pattern of political behavior is established it is likely to persist beyond the original occasion of its origin.

³⁶Many particular instances of sporadic, rather than systematic graft, cannot, of course, be differentiated either in function or nature from common thievery. In the foregoing pages little attention has been paid to this type of graft. In this sort of case the grafter acts much as a burglar or a highwayman would, and perhaps for the same "causes." They operate at times and under circumstances when the likelihood of immediate detection is not as great as at others. For example, during and immediately after wars when the nation is exultant and the government beyond criticism the vultures are likely to feed.

precision, but it may not be amiss to put on record some of the more obvious developments of recent decades.

1. By and large it appears that the techniques of graft have reached a highly refined state making detection much more difficult than it was thirty or forty years ago. The necessity for this development comes from the danger of detection and the danger of detection comes from opposition. The Seabury inquiries, for example, revealed a large number of rather cleverly devised means of avoiding detection. The inquiries themselves will, of course, lead to the improvement of these methods. There will probably in the future be more safety deposit boxes, fewer checking accounts. If it is accurate to say that there is a trend towards more complicated and effective means of concealment, this in itself is an index of an increased opposition to graft.

2. There has been a continual change in the objects of graft. Thirty years ago the steam railways were the arch-bribers. In the cities the gas utilities and street railways occupied this position. With the rise of the electrical industry, a different privilege seeker took the place. The bus interests have taken the place of the street railways in some instances. The decline of the restricted district and the old fashioned bordello has removed from the scene in many cities an important agency of corruption. In many fields there may be traced a change in the nature of the privilege sought by corruption, a change in the interests seeking governmental favors, although the methods employed may be fundamentally identical.

3. A development of some consequence has been that privileges formerly secured by bribing public officials may now be enjoyed in some cases by making the proper payment to the public treasury according to well established rules. At first no

procedure had been worked out to grant privileges not inconsistent with the public interest and no principles evolved to govern the administration of such matters. The inconsequential matter of the use of sub-sidewalk space, the projection of parts of buildings into the street, the vacation of streets and alleys will illustrate the matter. At one stage such "privileges" were all classed as more or less iniquitous. They could be secured by a council permit which might be bought or they might be taken without permit and periodical payments for "protection" made to the right party. Now such rights in many instances may be secured as a matter of course by paying into the city treasury the established rates for such privileges.

4. Some ends formerly considered illegal in themselves and often attained by illegal means have come to be considered as legal and may be secured through the more "normal" governmental processes. The matter of monopoly in public utility services within an individual city is a case in point. At one time all monopolies were classed together as agores. Gradually it came to be seen that competition in certain fields had its undesirable features and the end which had often been secured through corrupt techniques came to be the accepted order. In the same category may be placed the repeal of the prohibition amendment and the legalization of certain forms of gambling in some states. It is no longer necessary to bribe to secure these privileges, although under some circumstances these businesses still have their "expenses."

5. New governmental techniques have been developed comprising procedures and principles upon which there is a fairly well defined consensus. In certain fields there has been something of a "judicialization," i. e., the reaching of decisions

upon evidence according to certain relatively well defined principles upon which there is a general agreement and disposition to accept the findings. The Interstate Commerce Commission is an example of this trend. It deals with matters involving tremendous interests and values but it is untouched by rumors of scandal. Such an agency of course is not of much force in itself, but it rather represents an institutionalization of procedures and principles for the reconciliation of competing pressures which formerly fought unchecked by any "rules of the game."

6. There has been a widespread improvement of governmental techniques and procedures in the field of accounting, auditing and financial control. These agencies do much to prevent dishonesty and irregularities of a more or less individual character in the custody and expenditure of public funds.

7. The rise of bureaus of municipal research and other similar agencies is a manifestation of a rather powerful anti-graft movement. Such agencies have contributed little to the understanding of the fundamental processes of governance and do not pose as scientific agencies in the true sense. They must be considered in the same light as research bureaus of trade associations, labor unions, and other pressure groups. Their effectiveness on the whole has been in proportion to the strength of the interests in the community which they represent. These remarks are not in derogation but in interpretation. It cannot be gainsaid that these bureaus have contributed much to the improvement of the technical procedures and methods of organization of government.

8. Various techniques of influence have evolved which serve as substitutes for corrupt techniques. The rise of the propaganda and public relations experts of the pressure groups in some ways contributes toward a reduction in the use of corrupt techniques.

Results may be secured by more or less legitimate methods which were formerly secured by bribery or kindred methods. The banding together of all interests of a certain type in an association or pressure group itself may tend toward the elimination of many matters which would be unquestionably graft. Uniform treatment for all the members of the group is demanded. Group interest rather than individual interest comes to be at stake. Favoritism toward a group is usually not considered graft, whereas similar favoritism toward an individual might be unequivocally classified as graft under the prevailing standards. And for every group pressing for privilege there is usually a counter-pressure group to temper whatever action may be taken.

9. The rise of a more competent public personnel, under the impetus of the civil service reform movement and the impelling necessities of modern administration, has probably contributed toward a reduction of graft in some jurisdictions in various activities of government. There is nothing inherent in a bureaucracy to prevent the abuse of power, but the American bureaucracy is relatively weak in the entire play of political forces. The desire to maintain the merit system and the natural urge to stay in office lead to impartiality and uniformity in administration, and to the development of a system of professional ethics. Power gained from security of tenure of office, superior knowledge of the task in hand and a certain amount of public confidence enable the bureaucrat to resist demands which officials appointed under the spoils system would grant as a matter of course. The programs of the civil servants find expression through the activities of organizations of public employees which, in some jurisdictions, do more than agitate for salary raises.

10. The prolific development of pressure groups of various sorts has in numerous instances redounded to the general welfare, especially when their selfish aims happened to coincide with the public interest. More particularly such groups, with power and influence in the community, have in many instances been able to command a cessation of governmental practices involving graft and they have been most active in this when such practices were manifestly and immediately contrary to their own interests.³⁷ The development of pressure groups is not without its disadvantages. Among the more vocal of these groups are taxpayers' associations of various types. Some of these organizations are little more than frauds calculated to secure the highest possible number of dues-paying members. Many of them will support an unmitigated rogue if he reduces the total expenditure regardless of how uneconomically he manages the reduced expenditures. The increases in governmental expenditures have doubtless led to a higher concentration of public interest on governmental activities.

11. A more fundamental development which may have far reaching repercussions is the apparent trend toward a higher degree of social stability of certain types. There is some evidence to

³⁷The development of group activity under the National Industrial Recovery Act in this connection promises to be of great interest. A means is provided for the canalization of private pressures through unique governmental mechanisms upon persons deviating from the standards governing the group. In ordinary types of regulatory legislation the pressures of the individual group must compete with many diverse and irrelevant forces in the general political ebb and flow. In the code groups there is something of an insulation from these forces with respect to certain matters. For example, a gasoline dealer is indicted, doubtless upon complaint of his competitors to the code authority, for violating the code provision declaring evasion of gasoline taxation to be unfair competition. Thus, the persons immediately injured have a ready recourse. It is not predicted that the code authorities will revolutionize business morality, but here is a development worth watching. The coincidence of private and public interest is a powerful inducement for pressure for public virtue.

indicate that inter-class mobility has declined.³⁸ Hence, one would expect a further decline in the spectacular utilization of corrupt techniques in the politics of acquisition. Similarly, there is a decline, or at least a change, in the geographical mobility of the population. The frontier has disappeared and the "frontier" of alien immigration which perhaps had an influence similar to that of the western frontier has gone the same way. These factors, together with the practical elimination of the public domain, the decline in opportunities for harvesting wealth from unearned increment in urban real estate, and secondary unearned increments such as franchises of various types, seem to be leading to a far less fluid society. If a more stable equilibrium is achieved, it seems likely that the utilization of corrupt political techniques may decline.

12. A few notable examples of well managed governmental activities have emerged. If the wartime scandals and the abuses growing out of the war—the prohibition era, the alien property custodian's activities, the Teapot Dome affair, the veterans' bureau irregularities—are ignored, federal administration has on the whole shown a remarkable movement toward technical proficiency. Several state governments, such as New York, Wisconsin, and California, have created excellent administrative machines judged by the standards of the administrative technicians. A few of the larger cities and many of the smaller ones have come to be well managed. New York City, even under Tammany, offered many examples of administrative excellence. Cincinnati,³⁹ Milwaukee,

³⁸See, for example, the study by F. W. Taussig and C. S. Joslyn, American Business Leaders (New York: The Macmillan Co., 1932).

³⁹C. P. Taft, City Management (New York: Farrar & Rinehart, Inc., 1933).

Detroit, Los Angeles are among the larger cities which have attained relatively high levels of administrative achievement. Many of the political problems, the conflicts of interest, and the social needs handled by the old fashioned political machine remain, however. If the "reform parties" hope to attain and retain power, they must solve the same problems, reconcile the same interests, and perform many of the same functions, by different means and perhaps in different ways. They must realize that when they fight graft per se that they are fighting a symptom rather than the underlying ailment.

